From: no-reply@foiaonline.gov <no-reply@foiaonline.gov>
Sent: Monday, March 15, 2021 4:52 PM EDT
To: foia@americanoversight.org <foia@americanoversight.org>
Subject: Interim Release Notice EPA-2019-008587, Prod011

EXTERNAL SENDER

Thank you for your Freedom of Information Act request.

The Environmental Protection Agency has received numerous Freedom of Information Act requests pertaining to Bristol Bay. We are diligently processing these requests.

Interim Release

Prod 11 is 461 pages

The records are responsive to several requests and include materials responsive to your Freedom of Information Act (FOIA) request. This release also includes materials that the EPA is proactively releasing to you. It includes documents that have been partially withheld. The reasons for the withholdings are printed over the redactions.

The records are available at this link: https://www.foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-R10-2019-008233&type=request

Next Steps

Please contact our office if these records satisfy your request and you no longer wish to pursue your request. You may email Denise Walker at walker.denise@epa.gov or contact Denise at 202-564-6520. We will continue processing your request if we do not hear from you.

We estimate that we will provide another release on or before April 19, 2021. If you wish to request information connected to this request in the future, please reference the FOIA request number. For all media inquiries, please contact press@epa.gov.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov ; telephone, (202) 741-5770 or (877) 684-6448; or fax, (202) 741-5769.

Sincerely,

/s/ Denise A. Walker

Denise A. Walker

Office of General Counsel

AMERICAN OVERSIGHT

To: Darwin, Henry[darwin.henry@epa.gov]
Cc: Newberry, Edward[edward.newberry@squirepb.com]; Owens, Steve[steve.owens@squirepb.com]
From: Peter Robertson[peterrobertson@pebblepartnership.com]
Sent: Thur 11/8/2018 4:49:24 PM (UTC)
Subject: circling back

Henry,

Interesting election. I guess it's one of those rare ones where both parties end up with something to be happy about. Congrats on the R victories.

Tom Collier is here next week. No need for an in person meeting, but I'm wondering if you might be available for a quick call to discuss your thoughts on next steps, timing, etc. Wouldn't think we need more than about 10 minutes. I think he is here all week.

Thanks, Henry.

Peter

THE pebble PARTNERSHIP

Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

AMERICAN OVERSIGHT

To: Darwin, Henry[darwin.henry@epa.gov]
From: Peter Robertson[peterrobertson@pebblepartnership.com]
Sent: Fri 9/28/2018 2:17:02 PM (UTC)
Subject: update

Henry,

Can we speak sometime in the next couple of days just so that I can understand the latest state of play?

Thanks.

Peter



Peter D. Robertson

The Pebble Partnership

1330 Connecticut Avenue, NW

Washington, DC 20036

202-629-3392

AMERICAN OVERSIGHT

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
Cc: Frazer, Brian[Frazer.Brian@epa.gov]
From: Goodin, John[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3EAC342F280A4B9DB4079C81F66D1913-JGOODIN]
Sent: Wed 6/5/2019 1:55:18 PM (UTC)
Subject: RE: Pebble interim drafts

We are planning on Brian to continue to support you there and at PCC this afternoon, as needed (though we didn't hear about them till today so missed the WAVES deadline). We can do a quick check-in at noon. Brian tracked down a couple items on the agendas and we are hustling to prep.

From: Forsgren, Lee
Sent: Wednesday, June 05, 2019 9:43 AM
To: Goodin, John <Goodin.John@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>
Subject: RE: Pebble interim drafts

That works great.

BTW - Are either Brian or Russ going to the USDA One Federal Decision meeting today?

From: Goodin, John
Sent: Wednesday, June 5, 2019 9:42 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>
Subject: RE: Pebble interim drafts

Thanks, Lee--hope you are well.
Brian and I will try to get a few minutes of your time during the noon hour, if that works for you.
Thanks,
John

From: Forsgren, Lee
Sent: Wednesday, June 05, 2019 9:28 AM
To: Goodin, John <Goodin.John@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>
Subject: FW: Pebble interim drafts

John,

Just got your voicemail on this. Was at **Ex. 6 Personal Privacy (PP)**

Ex. 6 Personal Privacy (PP) We can talk about this today.

Lee

From: Fotouhi, David
Sent: Tuesday, June 4, 2019 1:42 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John

AMERICAN OVERSIGHT

<Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

DELIBERATIVE--DO NOT RELEASE

David:

Thank you for providing these drafts to Matt. As I thought further about the issues we discussed at our meeting with the full team last week Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, June 3, 2019 8:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

Matt - attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.

We had a helpful review session with David Fotouhi late last Thursday. We're currently revising the enclosures to both letters to address David F's recommendations at this meeting regarding: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<< File: PLP 404 Cover Letter_3June2019.docx >> << File: PLP DEIS Cover Letter_3June2019.docx >> << File: PLP 404 Enclosure_22May2019 draft.docx >> << File: PLP DEIS Detailed Comments_22May2019.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science

<< OLE Object: Picture (Device

AMERICAN OVERSIGHT

Independent Bitmap) >>
Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt - Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 6/6/2019 11:26:17 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 5/16/2019 7:40:57 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing #3
Location: R10 21-Tahoma / VTC Set-up / Conf Line Ex. 6 Personal Privacy (PP)

Start: 6/10/2019 6:15:00 PM
End: 6/10/2019 7:15:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

To: Allnutt, David[Allnutt.David@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Tomiak, Robert[tomiak.robert@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Marshall, Tom[marshall.tom@epa.gov]; Hoppe, Allison[hoppe.allison@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]
Sent: Mon 7/1/2019 9:40:46 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Ex. 5 Deliberative Process (DP) The other changes look okay.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

David and Matt – per your request, I'm transmitting the attached versions of the NEPA and 404 letters (and enclosures) that identify where the letters diverge from the edits we received from you (per the email transmittal below) last Friday.

We have attempted to include in comment bubbles the rationale for diverging from the last versions and your latest edits to those versions. (Where we have accepted your latest edits, we have simply accepted the change in Word, so these accepted edits do not appear as redlined text).

Please let me know if any of the modifications described in these documents present concerns for you.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold,

AMERICAN OVERSIGHT

Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

AMERICAN OVERSIGHT

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: Allnutt, David[Allnutt.David@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Tomiak, Robert[tomiak.robert@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Marshall, Tom[marshall.tom@epa.gov]; Hoppe, Allison[hoppe.allison@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]
Sent: Mon 7/1/2019 9:24:19 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

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Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
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R. David Allnutt, Acting Director
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1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

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Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

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Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
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AMERICAN OVERSIGHT

Best Regards

Patty

Patty McGrath |**Mining Advisor**
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: Hladick, Christopher[hladick.christopher@epa.gov]
From: Fotouhi.David@epa.gov[Fotouhi.David@epa.gov]
Sent: Tue 6/4/2019 7:29:21 PM (UTC)
Subject: Re: Pebble interim drafts

Sure. I'll give you a call later today.

Sent from my iPhone

On Jun 4, 2019, at 2:31 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

We should talk when you have a moment.

Chris Hladick
Regional Administrator
U.S. Environmental Protection Agency, Region 10
Office: (206) 553-1234
Cel Ex. 6 Personal Privacy (PP)
Fax: (206) 553-1809

From: Fotouhi, David
Sent: Tuesday, June 4, 2019 10:42 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

DELIBERATIVE—DO NOT RELEASE

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Ex. 5 Deliberative Process (DP)

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency

AMERICAN OVERSIGHT

Tel: +1 202.564.1976
fotouhi.david@epa.gov

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Sent: Monday, June 3, 2019 8:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
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Ex. 5 Deliberative Process (DP)

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R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
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Seattle, Washington 98101-3123
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Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 5/29/2019 10:58:41 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Discuss Pebble Mine NEPA/404 letters (Call-in **Ex. 6 Personal Privacy (PP)**
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
Show Time As: Tentative

Your meeting was found to be out of date and has been automatically updated.

Updated meeting details:

Location

Sent by Microsoft Exchange Server

AMERICAN OVERSIGHT

Appointment

From: Stern, Allyn [Stern.Allyn@epa.gov]
Sent: 3/15/2019 7:00:40 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Pebble Permitting Timeline/Call-in # **Ex. 6 Personal Privacy (PP)**
Location: 4020 WJCN

Start: 3/19/2019 6:00:00 PM
End: 3/19/2019 6:30:00 PM

Recurrence: (none)

AMERICAN OVERSIGHT

Appointment

From: Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Sent: 6/13/2019 7:22:58 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
End: 6/17/2019 10:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Stern, Allyn [Stern.Allyn@epa.gov]
Sent: 6/6/2019 4:31:57 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Pebble Project NEPA Briefing - **Ex. 6 Personal Privacy (PP)**
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM

Recurrence: (none)

AMERICAN OVERSIGHT

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Thur 6/13/2019 12:58:01 PM (UTC)
Subject: Automatic reply: Pebble interim drafts

I will be out of the office until Monday June 17 and will have only intermittent access to email while I am out. Linda Anderson-Carnahan will be the acting Science Division Director during my absence except for Tuesday, June 11, when Brenda Bachman will be the acting division director.

AMERICAN OVERSIGHT

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: McGrath, Patricia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5A069B6877F4EB985D83829C51EA4FA-MCGRATH, PA]
Sent: Mon 7/1/2019 9:35:44 PM (UTC)
Subject: Automatic reply: Pebble draft 404 and DEIS letters

I am out of the office on annual leave until Thursday, July 11. I will respond to your email when I return.
Best Regards,
Patty

AMERICAN OVERSIGHT

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]
From: Stern, Allyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2E2D6F5DF08D4E9ABBFF2C0880407775-STERN, ALLYN]
Sent: Wed 6/27/2018 10:59:41 PM (UTC)
Subject: Re: Pebble Scoping Document

Excellent. Thank you!

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

> On Jun 27, 2018, at 3:50 PM, Neugeboren, Steven <Neugeboren.Steven@epa.gov> wrote:
>
> Allyn - emails crossed. Just sent you their comments.
>
> Sent from my iPhone
>
> Steven Neugeboren
> Associate General Counsel for Water
> U.S. EPA
> 202-564-5488
>
>> On Jun 27, 2018, at 6:48 PM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:
>>
>> Hi David and Justin -
>>
>> Our regional program has vetted the scoping letter with OW and OP. Brittany Bolen has been briefed and I understand there are a few final tweaks to the climate section and then it is ready to go. The 90 day comment period ends on Friday so our program is anxious to get timely comments to the Corps.
>>
>> I'm checking in with you to see if you are ok with the letter or have additional comments. I know you are probably extraordinarily busy but since we're up against the deadline, can you let me know the status as soon as you can?
>>
>> Thanks so much —
>>
>> Allyn Stern
>> Regional Counsel
>> US EPA Region 10
>> 206-553-1223
>> stern.allyn@epa.gov

AMERICAN OVERSIGHT

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]
Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]; Grandinetti, Cami[Grandinetti.Cami@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Abboud, Michael[abboud.michael@epa.gov]
From: Willey, Katharine[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B62280CA8B184930814F27E4904CD17B-WILLEY, KAT]
Sent: Tue 7/30/2019 4:24:42 PM (UTC)
Subject: RE: BB Roll Out -- talking points and news release?
Preliminary Congressional-Intergovernmental Notification.docx
FREQUENT QUESTIONS AND ANSWERS.docx
TALKING POINTS.docx
Notification Email.docx

Suzanne—see attached documents. Apologies for the delay.

From: Skadowski, Suzanne
Sent: Tuesday, July 30, 2019 9:39 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Grandinetti, Cami <Grandinetti.Cami@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: BB Roll Out -- talking points and news release?

Hi Katherine,

Per my voicemail, just checking in to see when we might expect to get the updated talking points and your draft news release this morning? Our RA is making courtesy calls with Matt to congressional and other leaders this morning.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C Ex. 6 Personal Privacy (PP)
Follow us on Twitter! *@EPAnorthwest*
Like us on Facebook! *@eparegion10*

-----Original Appointment-----
From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Monday, July 29, 2019 8:28 AM
To: Willey, Katharine; Stern, Allyn; Palomaki, Ashley; Skadowski, Suzanne
Cc: Fotouhi, David; Drinkard, Andrea; Abboud, Michael; Holsman, Marianne; Grandinetti, Cami; Opalski, Dan; McFaul, Jessica
Subject: BB Roll Out Call
When: Monday, July 29, 2019 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4304/DC-Ariel-Rios-OGC

Call-in # Ex. 6 Personal Privacy (PP)
ID Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Hoppe, Allison[hoppe.allison@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Tomiak, Robert[tomiak.robert@epa.gov]
From: Marshall, Tom[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D29134E5E32489B9AB0AEB262F55075-TMARSHAL]
Sent: Sun 6/30/2019 4:44:33 PM (UTC)
Subject: Refinement to second suggested edit. . . Re: Pebble draft 404 and DEIS letters

Refining second bullet in my first email below (and distribution so career NEPA folks can assess as well):

Ex. 5 Deliberative Process (DP)

From: Marshall, Tom
Sent: Saturday, June 29, 2019 4:33 PM
To: Neugeboren, Steven; Hoppe, Allison; Hough, Palmer
Cc: Nalven, Heidi; Wehling, Carrie; Fotouhi, David; McGrath, Patricia; Schwab, Justin
Subject: Re: Pebble draft 404 and DEIS letters

One minor sense edit to p. 11 of the NEPA enclosure, first full para. The relevant sentence currently reads: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks.

From: Neugeboren, Steven
Sent: Friday, June 28, 2019 5:34 PM
To: Marshall, Tom; Hoppe, Allison; Hough, Palmer
Cc: Nalven, Heidi; Wehling, Carrie; Fotouhi, David

AMERICAN OVERSIGHT

Subject: FW: Pebble draft 404 and DEIS letters

Thanks David. To facilitate distribution/review given timing, forwarding to CCILO and Palmer

Steve Neugeboren

Associate General Counsel for Water

U.S. EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

202 (564-5488)

From: Fotouhi, David
Sent: Friday, June 28, 2019 5:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

AMERICAN OVERSIGHT

David

David Fotouhi

Principal Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

AMERICAN OVERSIGHT

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath |**Mining Advisor**

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Seattle, WA 98101

M/S: 14-D12

Office: (206) 553-6113

Cell Ex. 6 Personal Privacy (PP)

mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

Appointment

From: McGrath, Patricia [mcgrath.patricia@epa.gov]
Sent: 6/14/2019 7:49:40 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
End: 6/17/2019 10:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Sent: 6/13/2019 7:22:58 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
End: 6/17/2019 10:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Stern, Allyn [Stern.Allyn@epa.gov]
Sent: 3/20/2019 3:35:13 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Pebble Permitting Timeline/Call-in #: Ex. 6 Personal Privacy (PP)
Location: 4020 WJCN

Start: 3/25/2019 3:30:00 PM
End: 3/25/2019 4:00:00 PM

Recurrence: (none)

AMERICAN OVERSIGHT

To: Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Marshall, Tom[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D29134E5E32489B9AB0AEB262F55075-TMARSHAL]
Sent: Mon 7/1/2019 10:23:06 PM (UTC)
Subject: I'll email the group. Thx. nm RE: Issue on NEPA enclosure. . . RE: Pebble draft 404 and DEIS letters

From: Fotouhi, David
Sent: Monday, July 01, 2019 6:22 PM
To: Marshall, Tom <marshall.tom@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Issue on NEPA enclosure. . . RE: Pebble draft 404 and DEIS letters

Thanks, Tom. Appreciate you flagging this Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Marshall, Tom
Sent: Monday, July 1, 2019 6:16 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Issue on NEPA enclosure. . . RE: Pebble draft 404 and DEIS letters

Fingers crossed your still online. Steve and I wanted to be sure you saw the following sentence in the NEPA enclosure at very

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Tom Marshall
Assistant General Counsel
Cross-Cutting Issues Law Office
Office of General Counsel
US EPA, Room 7340C WJCN
202.564.5549

From: Fotouhi, David
Sent: Monday, July 01, 2019 5:58 PM
To: Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

AMERICAN OVERSIGHT

DELIBERATIVE—DO NOT RELEASE

Ex. 5 Deliberative Process (DP) The other changes look okay. No further comments from me to the NEPA enclosure. Thanks to all of you for turning these documents over the weekend and today.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

David and Matt – per your request, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

We have attempted to include in comment bubbles the rationale for diverging from the last versions and your latest edits to those versions. (Where we have accepted your latest edits, we have simply accepted the change in Word, so these accepted edits do not appear as redlined text).

Please let me know if any of the modifications described in these documents present concerns for you.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

AMERICAN OVERSIGHT

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have

additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
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Ex. 5 Deliberative Process (DP)

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Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113

AMERICAN OVERSIGHT

Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: McGrath, Patricia[mcgrath.patricia@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Fri 6/21/2019 10:23:47 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

Thanks so much, Patty.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
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Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | **Mining Advisor**
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 6/6/2019 11:26:17 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing #3 (Location Update)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Umatilla-Expand/R10-Rooms-Service-Center; R10Sea-RoomSup-21DNSU-VTC1-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:30:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

To: Allnutt, David[Allnutt.David@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 6/13/2019 4:13:26 PM (UTC)
Subject: RE: Pebble interim drafts

Thank you.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

-----Original Message-----
From: Allnutt, David
Sent: Thursday, June 13, 2019 11:11 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: Re: Pebble interim drafts

David - the team is aware of these new documents but they have not been a topic of discussion during Matt's meetings this week. Just taking off from Anchorage to Dillingham now. Happy to discuss further when we're back in cell range.

Sent from my iPhone

> On Jun 13, 2019, at 4:58 AM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:
>
> I noticed the Corps recently uploaded additional record documents "reviewed for the draft EIS" to its public-facing website. Has the team started to review these? Thanks!
>
>
>
> David Fotouhi
>
> Principal Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov<mailto:fotouhi.david@epa.gov>
>
>
> _____
> From: Allnutt, David
> Sent: Friday, June 7, 2019 2:17 PM
> To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher
> <hladick.christopher@epa.gov>; Bolen, Brittany
> <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern,
> Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>;
> Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven

AMERICAN OVERSIGHT

> <Neugeboren.Steven@epa.gov>
> Subject: RE: Pebble interim drafts
>
>
> Matt – attached are yet more refined (and hopefully improved) drafts of the DEIS and 404 comment cover letters and enclosures, together with some other materials for you to review on your flight to Seattle on Sunday.
>
> The cover letters differ from the June 3 drafts that were shared with leadership on Monday in that they now contain text that would effectuate alternative policy options for the letters. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

>
> The enclosures to both letters have been significantly revised from the May 22 drafts attached to my last email to you. These changes are intended to reflect very helpful input we received from David Fotouhi over the past week on these documents regarding: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

> Also attached to this message is an updated schedule. The updates are intended to identify where milestones have passed (in green text) and to reflect direction we received from David earlier this week on when political leadership can expect the next draft of the letters (now June 21, assuming that comments on today's drafts are received no later than June 19).
>
> Finally, I have attached a very brief purpose statement and proposed agenda for our meeting on Monday. The team is meeting this afternoon and may have additional materials to share on Monday.
>
> I look forward to seeing you in Seattle on Monday. Please let me know if you have any questions.
>
> << File: PLP 404 Cover Letter_7June2019.docx >> << File: PLP 404 Enclosure_7June2019.docx >> << File: PLP DEIS NEPA Cover Letter_7June2019.docx >> << File: PLP DEIS Enclosure_7June2019 draft.docx >> << File: Pebble DEIS + 404 letter prep and meeting schedule_20190606.xlsx >> << File: June 10 Briefing Agenda.docx >>
>
>
>
> << OLE Object: Picture (Device Independent Bitmap) >>
> [cid:image001.png@01D4FB5D.F6942020]
>
> R. David Allnutt, Director
> Laboratory Services and Applied Science Division U.S. EPA, Region 10
> 1200 Sixth Avenue, Suite 155, 14-D12
> Seattle, Washington 98101-3123
> (206) 553-2581
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> _____
> From: Allnutt, David
> Sent: Monday, June 03, 2019 5:51 PM
> To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> Cc: Fotouhi, David <fotouhi.david@epa.gov>; Hladick, Christopher
> <hladick.christopher@epa.gov>; Bolen, Brittany

AMERICAN OVERSIGHT

> <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern,
> Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>;
> Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven
> <Neugeboren.Steven@epa.gov>
> Subject: RE: Pebble interim drafts
>
>
> Matt – attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.
>
> We had a helpful review session with David Fotouhi late last Thursday. We're currently revising the enclosures to both letters to address David F's recommendations at this meeting regarding Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

> << File: PLP 404 Cover Letter_3June2019.docx >> << File: PLP DEIS
> Cover Letter_3June2019.docx >> << File: PLP 404 Enclosure_22May2019
> draft.docx >> << File: PLP DEIS Detailed Comments_22May2019.docx >>
>
>
> R. David Allnutt, Director
> Laboratory Services and Applied Science Division U.S. EPA, Region 10
> 1200 Sixth Avenue, Suite 155, 14-D12
> Seattle, Washington 98101-3123
> (206) 553-2581
>
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> _____
> From: Allnutt, David
> Sent: Friday, May 10, 2019 5:47 PM
> To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen,
> Brittany <bolen.brittany@epa.gov>; Forsgren, Lee
> <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak,
> Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>;
> Neugeboren, Steven <Neugeboren.Steven@epa.gov>
> Subject: Pebble interim drafts
>
>
> Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.
>

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

> << File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for
> GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404
> Enclosure for GC.docx >>
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>
>
>
> R. David Allnutt, Director
> Laboratory Services and Applied Science Division U.S. EPA, Region 10
> 1200 Sixth Avenue, Suite 155, 14-D12
> Seattle, Washington 98101-3123
> (206) 553-2581
>
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> <Picture (Device Independent Bitmap)>

AMERICAN OVERSIGHT

From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]

Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted (Conf #: **Ex. 6 Personal Privacy (PP)**

Importance: Normal

Subject: Tentative: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)

Start Time: Mon 4/22/2019 5:00:00 PM (UTC)

End Time: Mon 4/22/2019 6:00:00 PM (UTC)

Required Attendees: Hladick, Christopher

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 5/16/2019 7:40:57 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing #3
Location: R10 21-Tahoma / VTC Set-up / Conf Line Ex. 6 Personal Privacy (PP)

Start: 6/10/2019 6:15:00 PM
End: 6/10/2019 7:15:00 PM
Show Time As: Busy

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Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 5/22/2019 5:10:34 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing #3
Location: R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-RoomSup-21Tahoma-VTC-Setup

Start: 6/10/2019 6:00:00 PM
End: 6/10/2019 7:00:00 PM

Recurrence: (none)

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 4/5/2019 7:28:00 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Bristol Bay R10/HQ Policy Briefing (Check-in 2 of 2)
Location: (Conf# Ex. 6 Personal Privacy (PP)

Start: 5/14/2019 6:30:00 PM
End: 5/14/2019 7:30:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 5/29/2019 10:58:40 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]

Subject: FW: Discuss Pebble Mine NEPA/404 letters (Call-in **Ex. 6 Personal Privacy (PP)**
Location: 20-Stehekin - DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
Show Time As: Tentative

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/5/2019 7:44:28 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]

Subject: Pebble Project NEPA Briefing - Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
Show Time As: Tentative

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Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/5/2019 7:44:28 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Pebble Project NEPA Briefing Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
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Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/5/2019 7:44:28 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]

Subject: Pebble Project NEPA Briefing - **Ex. 6 Personal Privacy (PP)**
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

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End: 6/6/2019 10:00:00 PM
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To: Fotouhi, David [Fotouhi.David@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Pebble Project NEPA Briefing - Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

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End: 6/6/2019 10:00:00 PM
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AMERICAN OVERSIGHT

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Sent: 5/29/2019 10:58:40 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]
CC: Szerlog, Michael [Szerlog.Michael@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Jill Nogi (nogi.jill@epa.gov) [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]

Subject: Discuss Pebble Mine NEPA/404 letters (Call-in **Ex. 6 Personal Privacy (PP)**
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Darwin, Henry [darwin.henry@epa.gov]
Sent: 7/23/2018 5:48:06 PM
To: Darwin, Henry [darwin.henry@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; DeBell, Kevin [debell.kevin@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]
CC: Burton, Tamika [burton.tamika@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]

Subject: Pebble Mine - briefing material added*
Location: WJCN 3412

Start: 7/27/2018 4:30:00 PM
End: 7/27/2018 5:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/5/2019 7:44:28 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]

Subject: Pebble Project NEPA Briefing - Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
Show Time As: Tentative

Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/5/2019 7:44:28 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]

Subject: Pebble Project NEPA Briefing - Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
Show Time As: Tentative

Ex. 6 Personal Privacy (PP)

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CC: Frazer, Brian [Frazer.Brian@epa.gov]

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Subject: FW: Discuss Pebble Mine NEPA/404 letters (Call-in Ex. 6 Personal Privacy (PP)
Location: 20-Stehekin - DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
Show Time As: Tentative

Chris – per your request. We will be meeting in 20-Stehekin here in Seattle.

-----Original Appointment-----
From: Fotouhi, David
Sent: Friday, May 24, 2019 12:54 PM
To: Fotouhi, David; Forsgren, Lee; Neugeboren, Steven; Goodin, John; Allnutt, David; Wehling, Carrie; Nalven, Heidi; Palomaki, Ashley; Steiner-Riley, Cara; McGrath, Patricia; Vaughan, Molly; LaCroix, Matthew; Kaiser, Russell; Marshall, Tom; Hough, Palmer; Tomiak, Robert; Barnhart, Megan; Hoppe, Allison
Subject: Discuss Pebble Mine NEPA/404 letters (Call-in Ex. 6 Personal Privacy (PP)
When: Thursday, May 30, 2019 3:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 20-Stehekin - DCRoomARN4045/DC-Ariel-Rios-OGC

AMERICAN OVERSIGHT

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Start: 5/30/2019 7:30:00 PM
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Region 10 will connect to OGC's VMR:

Video Conferencing: dial Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

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CC: Szerlog, Michael [Szerlog.Michael@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Jill Nogi (nogi.jill@epa.gov) [nogi.jill@epa.gov]

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Start: 5/30/2019 7:30:00 PM
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Subject: Discuss Pebble Mine NEPA/404 letters (Call-in Ex. 6 Personal Privacy (PP)
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Where: 20-Stehekin - DCRoomARN4045/DC-Ariel-Rios-OGC

AMERICAN OVERSIGHT

Appointment

From: Patrick, Monique [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3F271920363C4AECBFF1E989A6DFDE9B-MPATRICK]
Sent: 5/30/2019 3:25:37 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Forsgren, Lee; Neugeboren, Steven; Goodin, John; Allnutt, David; Wehling, Carrie; Nalven, Heidi; Palomaki, Ashley; Steiner-Riley, Cara; McGrath, Patricia; Vaughan, Molly; LaCroix, Matthew; Kaiser, Russell; Marshall, Tom; Hough, Palmer; Tomiak, Robert; Barnhart, Megan; Hoppe, Allison; Bolen, Brittany
CC: Szerlog, Michael; Schwab, Justin; Simons, Andrew; Schaedle, Candi; Jill Nogi (nogi.jill@epa.gov); Hladick, Christopher; Stern, Allyn; Young, Teresa

Subject: Discuss Pebble Mine NEPA/404 letters (Call-in Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
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Region 10 will connect to OGC's VMR:

Video Conferencing: dial Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Tyson, Linda [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D7AD12AF04F64468B18E3960F2A77781-TYSON, LIND]
Sent: 1/4/2018 10:18:30 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; David Allnutt (Allnutt.David@epa.gov) [Allnutt.David@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; jiani@perkinscoie.com
CC: Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]

Subject: EPA/Pebble Limited Partnership Meeting
Attachments: Pebble Partnership project overview.pdf
Location: EPA Offices

Start: 2/8/2018 5:00:00 PM
End: 2/8/2018 6:00:00 PM
Show Time As: Busy

Location: EPA Offices, 1200 6th Avenue (Park Place Building at corner of 6th & University). Please check in at the security desk on the first floor. For questions/assistance, please contact us at 206-553-1234.

- Attendees on behalf of Pebble Limited Partnership: John Shively, Peter Robertson, James Fueg, and John Iani.
- Attendees on behalf of EPA: Chris Hladick, David Allnutt, Allyn Stern, Ashley Palomaki, Patty McGrath

POC: John Iani, Perkins Coie LLP; cell Ex. 6 Personal Privacy (PP) jIani@perkinscoie.com

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CC: Frazer, Brian [Frazer.Brian@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]

Subject: Pebble Project NEPA Briefing Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
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Subject: Discuss Pebble Mine NEPA/404 letters (Call-in **Ex. 6 Personal Privacy (PP)**
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
Show Time As: Busy

Your VTC has been scheduled. Please review the details below for accuracy.

Per OMS guidelines, all new VTC requests need to be made through the link below. Please fill out the National Enterprise VTC Request Form:

Ex. 6 Personal Privacy (PP)

For changes or updates to previously scheduled VTCs, please send those changes to epavtc@epa.gov.

Please reference the Conference Id when inquiring about this call.

Conference Title: Discuss Pebble Mine NEPA/404 letters
Conference Id: Ex. 6 Personal Privacy (PP)
Numeric Id: Ex. 6 Personal Privacy (PP)
Date: 5/30/2019 - 5/30/2019
Time: 3:15 PM - 4:45 PM, (UTC-05:00) Eastern Time (US & Canada)
Conference Type: Automatic Connect

Participant(s):
OGC DC WJCN Room 4045 (SR)
Ex. 6 Personal Privacy (PP)
3:15 PM - 4:45 PM, (UTC-05:00) Eastern Time (US & Canada)

R10 Seattle 11 Camas GCI
Ex. 6 Personal Privacy (PP)

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12:15 PM - 1:45 PM, (UTC-08:00) Pacific Time (US & Canada)

Audio O365 - Ex. 6 Personal Privacy (PP)

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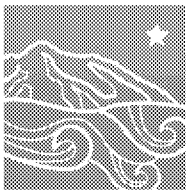
Appointment

From: Darwin, Henry [darwin.henry@epa.gov]
Sent: 7/23/2018 5:48:06 PM
To: Darwin, Henry [darwin.henry@epa.gov]; Campbell, Ann [Campbell.Ann@epa.gov]; DeBell, Kevin [debell.kevin@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]
CC: Burton, Tamika [burton.tamika@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]

Subject: Pebble Mine - briefing material added*
Attachments: Bristol Bay-Pebble Mine 404c.docx
Location: WJCN 3412

Start: 7/27/2018 4:30:00 PM
End: 7/27/2018 5:00:00 PM
Show Time As: Busy

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TRUSTEES FOR ALASKA

PROTECT | DEFEND | REPRESENT

July 17, 2019

Via Email and U.S. Mail

Administrator Chris Hladick
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: 14–D12
Seattle, WA 98101

Re: EPA Reconsideration of Proposal to Withdraw Proposed Determination to Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska — Reference docket number EPA-R10-OW-2017-0369

Dear Administrator Hladick:

On behalf of Audubon Alaska, Cook Inletkeeper, Fairbanks Climate Action Coalition, Friends of McNeil River, McNeil River Alliance, National Parks Conservation Association, National Wildlife Association, Natural Resources Defense Council, and Sierra Club, Trustees for Alaska submits the following in response to the July 26, 2019 release of an undated Memorandum from Matthew Leopold, General Counsel for the U.S. Environmental Protection Agency (EPA) "directing Region 10 to continue its deliberations regarding whether to withdraw the 2014 Proposed Determination or, alternatively, decide to leave the 2014 Proposed Determination in place"[1] regarding the proposed Pebble Mine. Mr. Leopold asserted that the suspension of the withdrawal has created "confusion" and that "lifting the suspension is appropriate."[2] But neither position is supported by current facts, EPA's evaluation of the project, the Clean Water Act statute and regulations, and the NEPA process that is underway. EPA should leave the Proposed Determination in place until the agency is able to proceed with a Recommended Determination.

Reducing alleged confusion — alleged because EPA has been clear regarding its position — is not a permissible basis for withdrawing the Proposed Determination. EPA must base any decision to withdraw the Proposed Determination on whether the action may cause unacceptable adverse effects on the aquatic ecosystem. Former Administrator Pruitt's decision to leave the Proposed Determination in place has not created any real confusion. Former Administrator Pruitt

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[1] *See* Memorandum Re *Resuming consideration of the withdrawal of the July 2014 Proposed Determination to restrict use of the Pebble Deposit Area as a disposal site*, from Matthew Z. Leopold, General Counsel, U.S. EPA, to Chris Hladick, Regional Administrator, Reg. 10, U.S. EPA, undated, at 2–3. The EPA is limited to these two options at this time because of the provisions established in the settlement with Pebble Limited Partnership (PLP). *See* 83 Fed. Reg. 8668 (Feb. 28, 2018) (noting that EPA cannot proceed with a Recommended Determination before either May 11, 2021, or after the final Environmental Impact Statement is issued).

[2] *Id.*

1026 W. Fourth Avenue, Suite 201, Anchorage, AK 99501
Phone: 907.276.4244 Fax: 907.276.7110 www.trustees.org

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Bristol Bay/Pebble Mine 2019 FOIAs_Production011

was clear and direct, stating that the process had been "restored," and that all information to date indicates that the project poses unacceptable risks.

Because EPA maintains that the Pebble Project may cause unacceptable adverse impacts and that the Project, as reviewed in the DEIS, does not comply with the 404(b)(1) Guidelines, there is no reason to withdraw the Proposed Determination at this time. As former Administrator Pruitt noted when he suspended the process, based on review of public comments, it was his

> judgment . . . that any mining projects in the region likely pose a risk to the abundant natural resources that exist there. Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection. Today's action allows EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources.[3]

Since January of 2018, EPA has reviewed Pebble Limited Partnership's (PLP) application, revisions to the application, a preliminary draft environmental impact statement and a draft environmental impact statement (DEIS). EPA has consistently expressed concern over the lack of information and inadequate analysis. PLP has not provided any substantive information to overturn former Administrator Pruitt's decision. To the extent the risks are better understood now as compared to back in January 2018, it is clear that the risks are significant and severe. Yet, as EPA noted in its comments on the DEIS, the DEIS underestimates the risks.[4] To that extent, the "world-class fisheries" continue to "deserve the utmost protection," as former Administrator Pruitt stated. Also, as expressed by countless members of the public, as well as the EPA, itself, there are numerous problems with the analysis provided by the U.S. Army Corps of Engineers in the DEIS. None of the information that has come to light since January 2018, or the analysis in the DEIS, supports withdrawing the Proposed Determination.

If EPA seeks to withdraw the Proposed Determination, it must follow former Administrator Pruitt's commitment to "solicit additional public comment on the impact of the mining application on the existing proposed determination to better inform that analysis."[5] Mr. Leopold directed EPA to "reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the current public comment opportunity on the more than 1,400-page DEIS."[6] Former Administrator Pruitt correctly recognized the importance of ensuring

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[3] *See* U.S. EPA News Release, *EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments*, Jan. 26, 2018, https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay.

[4] *See* U.S. EPA Comments on U.S. Army Corps of Engineers' February 2019 Draft Environmental Impact Statement for the Pebble Project (CEQ Number 20190018; EPA Region IO Project Number 18-0002-COE), July 1, 2019, at 2 and 5.

[5] *See* U.S. EPA News Release, *EPA Administrator Scott Pruitt Suspends Withdrawal of Proposed Determination in Bristol Bay Watershed, Will Solicit Additional Comments*, Jan. 26, 2018, https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay.

[6] *See* Memorandum Re *Resuming consideration of the withdrawal of the July 2014 Proposed Determination to restrict use of the Pebble Deposit Area as a disposal site*, from Matthew Z. Leopold, General Counsel, U.S. EPA, to Chris Hladick, Regional Administrator, Reg. 10, U.S. EPA, undated, at 1.

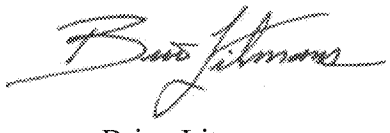
AMERICAN OVERSIGHT

ED_002890_00048290-00002 Bristol Bay/Pebble Mine 2019 FOIAs_Production011

ample opportunities for public involvement given the risk to the world-class fisheries. To ensure a robust and thorough evaluation of whether to withdraw the Proposed Determination, EPA must provide a public comment period that focuses on the principle matter of whether the project may cause unacceptable impact to the aquatic ecosystem. At the very least, EPA must consider all public comments submitted on the DEIS, including those submitted by Trustees for Alaska, as well as those identified in the Appendix to this letter.[7]

For the reasons identified in our comments, as well as comments prepared by EPA, the proposed project does not comply with the 404(b)(1) Guidelines. The DEIS is woefully inadequate and does not demonstrate that the project will not pose unacceptable adverse impacts, as identified by EPA. The reasons for issuing the Proposed Determination remain valid. Additional information since EPA issued the Proposed Determination only further support EPA's findings. A decision to withdraw the Proposed Determination would be inconsistent with the intent of the Clean Water Act and the 404(b)(1) Guidelines and arbitrary and capricious. Because the science supports the Proposed Determination, EPA should not conduct a second process to withdraw the Proposed Determination. EPA should maintain the suspension and stay any decision until either the time period in the settlement agreement has lapsed or a final EIS has been prepared.

Sincerely,



Brian Litmans
Senior Staff Attorney
Trustees for Alaska

[7] 40 C.F.R. § 231.5(e)(4). Trustees for Alaska provided a courtesy copy of our comments on the DEIS to EPA, as well as all attachments to our comments, on a flash drive on July 3, 2019. In addition to the comments submitted by Trustees for Alaska, numerous entities have submitted substantive comments that the EPA must consider in determining whether it is appropriate, under the CWA, to withdraw the Proposed Determination. These comments are identified in the Appendix below, with hyperlinks to the Corps' Pebble Project EIS comment library.

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Appendix

1. Cooperating Agency Comments:

- U.S. Department of the Interior (USFWS, NPS, BSEE): ER 19-0074 Pebble Mine DEIS - DOI Comments and Enclosures.pdf (1.3 MB)
- Advisory Council on Historic Preservation
  - ak.coe-r.pebble mine project.ap.09may19.pdf (129 KB)
  - ACHP Summary comments Chapters 3.7-3.8-4.7-4.8 Pebble DEIS.docx (17.8 KB)
- State of Alaska: Pebble DEIS_SOA_consolidated_comments_Final-complete.pdf (650 KB)

2. Other Agencies:

- Marine Mammal Commission: 19-07-01, Program Manager, USACE Pebble Project DEIS.docx (136 KB)
- National Marine Fisheries Service: 2019-06-18_NMFS Pebble Comment Letter.pdf (127 KB)
- North Pacific Fishery Management Council: 061319_PebbleEIScommentLtr.pdf (43.5 KB)
- Port of Seattle: 2019 06 Port of Seattle Comments on Pebble Mine EIS.pdf (139 KB)
- State of Washington AG Office: 2019.07.01 Pebble Mine NEPA Comments.pdf (353 KB)

3. Alaska and National Non-Governmental Organizations:

- 104 conservation, social justice, and civic organizations/NWF Water Resources & Water Protection Network: Final-comment-letter_104-groups-oppose-Pebble-Mine-DEIS_07-01-19.pdf (161 KB)
- Alaska Community Action on Toxics: Public Comment Letter from ACAT on Pebble DEIS 7-1-19.pdf (291 KB)
- Alaska Marine Conservation Council: AMCC Letter Draft EIS Pebble.pdf (64.7 KB)
- Alaska Wilderness League: FinalComment.pdf (890 KB)
- American Sportfishing Association: ASA Pebble Comment Letter Final With Signature.pdf (5.37 MB)
- Anchorage Audubon Society: Anchorage Audubon comments on Pebble DEIS.pdf (175 KB)
- Audubon Alaska: Audubon Alaska Pebble Mine DEIS and CWA Comment Letter.pdf (4.33 MB)
- Confluence AK: 19.Pebble.DEIS.comments.pdf (204 KB)
- Cook Inletkeeper: Inletkeeper Co.pdf (170 KB)
- E2 Environmental Entrepreneurs: Final Corps Pebble Mine Letter 6.25.19.pdf (124 KB)
- Earthjustice, Earthworks, and Center for Biological Diversity: Earthjustice CBD Earthworks Comments on Pebble Project Draft EIS 7-1-19.pdf (841 KB)
  - Lent, Marine Mammal Commission September 2014.pdf (322 KB)
  - Lent, Marine Mammal Commission September 2015.pdf (118 KB)
  - Lent, Marine Mammal Commission October 2017.pdf (301 KB)
  - Lent, Marine Mammal Commission January 2014.pdf (331 KB)
  - Ghoul_Reichmuth_2014_Hearing in the sea otter (Enhydra lutris) auditory profiles.pdf (655 KB)
  - Davies 2002.pdf (156 KB)
  - Int'l Comm. of Large Dams, Tailings Dams Risk of Dangerous Occurrences (2001).PDF (1.15 MB)

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- Diaz v. NDM, Doc. 43.pdf (398 KB)
- Lent, Marine Mammal Commission April 2015.pdf (189 KB)
- Interagency Working Group, Technical Update for Social Cost of Carbon (Rev Aug 2016).pdf (1.96 MB)
- Lent, Marine Mammal Commission October 2011.pdf (122 KB)
- Lent, Marine Mammal Commission May 2014.pdf (127 KB)
- ADFG, Stellers eiders.pdf (97.4 KB)
- Azam and Li 2010.pdf (1.79 MB)
- Estes et al. 2005.pdf (142 KB)
- Lent, Marine Mammal Commission April 2014.pdf (138 KB)
- Aydin 2005.pdf (833 KB)
- Kyle and Brabets 2001.pdf (1.79 MB)
- Diaz v. NDM, Doc. 56-13.pdf (124 KB)
- Gestring Failure to Capture (2019).pdf (351 KB)
- Brennan 2019.pdf (1.42 MB)
- Lent, Marine Mammal Commission Jan 2013.pdf (298 KB)
- Hildebrand 2005.pdf (527 KB)
- Lent, Marine Mammal Commission March 2016.pdf (170 KB)
- Gestring US Copper Porphyry Mines.pdf (929 KB)
- Guarin Washington Post 2014.pdf (240 KB)
- Albers Loughlin 2003.pdf (133 KB)
- Albers 2002.pdf (6.15 MB)
- AK Climate Change Strategy Mitigation Advisory Group Report 2009.pdf (1.09 MB)
- Intl Council on Mining & Metals, 2016.pdf (657 KB)
- Lent, Marine Mammal Commission July 2016.pdf (166 KB)
- Kastak etal 2007.pdf (573 KB)
- Fabry et al. 2008.pdf (986 KB)
- Ghaffari et al 2011.pdf (15.7 MB)
- Gavett Frontline 2012.pdf (124 KB)
- CEQ, Report re MMS's NEPA Policies, Practices, and Procedures.pdf (564 KB)
- Bowker & Chambers 2015.pdf (749 KB)
- CIM Council, Definition Standards.pdf (336 KB)
- Climate Action for AK Leadership Team, Action Plan.pdf (2.27 MB)
- Bennett, Changes in Extreme Hydroclimate Events (2014).pdf (4.24 MB)
- Gestring Unprecedented Waste Water Capture (2019).pdf (9.74 MB)
- Chambers (2014).pdf (497 KB)
- Kerrisdale Report 2017.pdf (741 KB)
- NMFS Conservation Plan Beluga Whale 2008.pdf (3.22 MB)
- Northern Dynasty Consolidated Financial Statements 17-18.pdf (2.37 MB)
- NMFS Recovery Plan Fin Whale 2010.pdf (702 KB)
- Orben et al 2018.pdf (1.42 MB)
- Northern Dynasty Minerals Project Economics.pdf (121 KB)
- National Research Council, OCEAN NOISE AND MARINE MAMMALS 2003.pdf (13 MB)
- NMFS Recovery Plan Humpback Whale 1991.pdf (5.44 MB)
- OSC Mineral Project Disclosure Standards.pdf (220 KB)
- NMFS Recovery Plan Steller Sea Lion 2008.pdf (2.75 MB)
- Markon et al. 2018.pdf (3.81 MB)
- NMFS Biological Characterization_Bristol Bay Marine Estuarine Processes.pdf (1.05 MB)
- Ontario Center for Climate, Mining Factsheet.pdf (549 KB)
- NMFS Recovery Plan Beluga Whale (2016).pdf (5.29 MB)
- Northern Dynasty Pebble Technical Report.pdf (9.52 MB)
- NWED Corrective Action Document.pdf (779 KB)
- Northern Dynasty Annual Information Form.pdf (2.28 MB)
- Martineau 2012.pdf (1.8 MB)
- Mattox et al 2016.pdf (338 KB)
- McCullough et al Zortman.pdf (4.38 MB)

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  - Maest et al 2006.pdf (525 KB)
  - Owl Ridge_ BA-FWS 2018.pdf (9.9 MB)
  - Ponsot PBS 2016.pdf (459 KB)
  - Owl Ridge_BA-NMFS 2018.pdf (29.9 MB)
  - Piatt et al 2006.pdf (641 KB)
  - USEPA Pebble Proposed Determination 2014.pdf (32 MB)
  - Reynolds_Wetzle.pdf (1.48 MB)
  - UAF 1999.pdf (2.42 MB)
  - Pearce et al 2011.pdf (524 KB)
  - Southall_etal_2019.pdf (1.83 MB)
  - Popper_Hastings_2009.pdf (612 KB)
  - WISE Chronology of Major Dam Failings.pdf (293 KB)
  - USEPA Wetland functions and Values.pdf (1.39 MB)
  - Wobus et al Modeling Impacts of Pebble Mine.pdf (1.42 MB)
  - USEPA Technical Review 2018.pdf (199 KB)
  - Weilgart The impacts of anthropogenic noise (2007).pdf (601 KB)
  - USFWS_2011_StellersEider_factsheet.pdf (576 KB)
  - USFW 5 year review Short-tailed Albatross.pdf (920 KB)
  - Williams, Climate Change - Extreme Conditions.pdf (14.3 MB)
  - Warrick Washington Post 2016.pdf (155 KB)
  - Wise etal 2019.pdf (1.51 MB)
  - Weilgart 2018.pdf (1,000 KB)
  - USFS SW DPS Sea Otter 5-Year Review.pdf (1.87 MB)
  - USEPA Red Dog SFEIS.pdf (690 KB)
  - USFWS, Southwest Alaska DPS Northern Sea Otter Recovery Plan.pdf (2.52 MB)
- Earthworks:
  - Earthworks Extension Request (Feb. 26, 2019): Pebble - request for extension.pdf (196 KB)
  - Earthworks Comment Letter and Attachments: FINAL EARTHWORKS PEBBLE DEIS COMMENTS.pdf (258 KB)
    - FINAL PEBBLE WTP - shorter version.pdf (9.74 MB)
    - FS_Pebble-FAILURE-TO-CAPTURE-AND-TREAT-WASTEWATER.pdf (351 KB)
    - Zamzow_2019 05 15_Fugitive dust_mine site.FINAL (1) copy.pdf (1.44 MB)
    - Frissell+O'Neal_FugitiveDustRoadsPebbleDEIS_FINALdocx.pdf (3.1 MB)
    - T.G. Yocom Pebble DEIS Alternatives final 6-6-2019.pdf (371 KB)
    - T.G. Yocom Basic and overall project purposes Final 6-6-2019.pdf (949 KB)
    - 2019 05 24 Reeves_Mauger_Water Temperature_Final (1).pdf (493 KB)
    - O'Neal_25June2019_Fish_and_habitat_impacts.pdf (3.65 MB)
    - T.G. Yocom Mitigation Paper Final 06-06-2019.pdf (1.79 MB)
    - Zamzow_2019 04 22_Selenium Position Paper.Final.pdf (2.12 MB)
    - Frissell_Contaminant_Bioaccumulation+Biomagnification_PebbleDEIS_31may19_Final.pdf (501 KB)
- Environmental Investigation Agency: EIA Pebble Mine DEIS Comment_final.pdf (312 KB)
- Friends of the Earth: FoE_Pebble Mine_DEIS_Comment_7-1-19.pdf (131 KB)
- Friends of McNeil River: comments_final.pdf (7.49 MB)
  - BearEconomicsStudy-Full.pdf (4.68 MB)
  - AA_The Pebble Project and McNeil River Brown Bears-Revised Final.pdf (2.47 MB)
- Institute for Policy Integrity, Union of Concerned Scientists, and Environmental Defense Fund: PebbleMine_Joint SCC Comments_2019.07.01.pdf (379 KB)
- Kachemak Bay Conservation Society: Pebble DEIS.pdf (134 KB)
- Monterey Bay Aquarium: MBA Pebble Mine DEIS Letter_FINAL.pdf (246 KB)
- Native Peoples Action, Inc.: Army Corps DEIS Letter from NPA 6.26.19.pdf (147 KB)

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- National Parks Conservation Association:
  - NPCA Comment letter: NPCA_PebbleDEIScomment2FINAL.pdf (333 KB)
    - BearEconomicsStudy-Full.pdf (4.68 MB)
    - Brown Bears White Paper Natalie Dawson.pdf (647 KB)
    - DEIScommentsRickDelkittieSr.docx (15.9 KB)
    - DEIScommentsNancyDelkittie.docx (13.6 KB)
  - NPCA Extension Request March 13, 2019): NPCA_PebbleDEIScomment31119.pdf (134 KB)
- National Wildlife Federation: NWF Comments_Pebble Project DEIS and CWA Permit_w attachments_FINAL_07-01-19.pdf (15.1 MB)
- Natural Resources Defense Council:
  - NRDC Comment Letter: Pebble Mine -- NRDC Comment on the DEIS and permit app (July 1, 2019)
  - NRDC Extension Clarification (May 14, 2019): Pebble Mine - .pdf (153 KB)
  - NRDC Extension Request (March 13, 2019): Pebble - DEIS extension request to Army Corps (Mar 6 2019) FINAL version.pdf (617 KB)
- Public Lands Conservancy: PLC Final Pebble Mine Comment DEIS June 2019.pdf (342 KB)
- Salmon State:
  - Salmon State Comment Letter: SS_DEIS_Comments_Final.pdf (1.03 MB)
    - SS DEIS COMMENTS APPENDIX A.pdf (18.4 KB)
    - 2019 05 24 Reeves_Mauger_Water Temperature_Final (1).pdf (493 KB)
    - Wobus_05302019_DEIS_Hydro_Comments_FINAL_v2.pdf (703 KB)
    - Schweisberg_6-11-2019_230.10(c) Compliance FINAL.pdf (891 KB)
    - Schweisberg_05-14-2019_Adverse Impacts Wetlands Rpt Near Final (1).pdf (661 KB)
    - T.G. Yocom Pebble DEIS Alternatives final 6-6-2019.pdf (371 KB)
    - FRISSELL_Contaminant_Bioaccumulation+Biomagnification_PEBBLE_DEIS_31may19_FINAL2.pdf (495 KB)
    - Lubetkin_06_11_2019v2_TransportationCorridorSpillRiskCritique_FINAL draft.pdf (1.1 MB)
    - PitLakeIssues_24June2019_FINAL+Appendix.pdf (965 KB)
    - Albert_2019 06 21_Comparison_of_2018Pebble_with_EPA_404c.pdf (2.11 MB)
    - Prucha_06062019_PebbleGWimpacts_FINAL.pdf (11.3 MB)
    - Maest_PebbleDEIS.Comments_24June2019_FINAL.pdf (1.17 MB)
    - Hovel_053019_IliamnaLakeandFishLifeHistoryDiversity_final.pdf (850 KB)
    - Frissell+O'Neal_FugitiveDustRoads_FINAL3.pdf (2.93 MB)
    - Welker_06102019_Compilation of DEIS unsubstantiate statements_final.pdf (295 KB)
    - T.G. Yocom Basic and overall project purposes Final 6-6-2019.pdf (949 KB)
    - T.G. Yocom Mitigation Paper Final 06-06-2019.pdf (1.79 MB)
    - Zamzow_2019 05 15_Fugitive dust_mine site.FINAL.pdf (1.44 MB)
    - Power Consulting_Socio-Econ_6-11-2019-Final.pdf (1.07 MB)
    - Higman %26 Riord.pdf (22.6 MB)
    - Lynker_05072019_Lynker_TSF_Pebble_Model_Report_FINAL.pdf (10.8 MB)
    - Kravitz-Blair2019_Article_OnAssessingRisksToFishHabitats.pdf (2.92 MB)
    - Zamzow_2019 04 22_Selenium Position Paper.Final.pdf (2.12 MB)
    - Welker_06182018_Cvr Ltr and Scoping Comments_final.pdf (346 KB)
    - Chambers_Examples of Expansions at Hardrock Mines in the US CSP2 copy.pdf (31.3 KB)
    - Chambers-2018 03 28 Pebble - Alaska Mines Feasibility Studies.pdf (185 KB)
    - Suring_McNeil River Brown Bears and Pebble-Revised Final.pdf (2.47 MB)
    - O'Neal_05312018_FisheriesPebble_ScopingComments_FINAL copy.pdf (691 KB)
    - Chambers_PLP 11May18 Technical Update - CSP2 updated 13Jun18 copy.pdf (515 KB)
    - Wobus_03152019_Lynker_TSF_Pebble_Model_Report_Final.pdf (11.2 MB)

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        - Why Pebble will be at least a 78-year mine - Chambers Mar19.pdf (364 KB)
        - Gracz_052419_CompensatoryMitigation.pdf (34 KB)
        - O'Neal_25June2019_Fish_and_habitat_impacts.pdf (3.65 MB)
        - SS DEIS COMMENTS APPENDIX A.pdf (18.4 KB)
        - Schindler_ScientificConcernsDEIS_2019.pdf (161 KB)
        - BearEconomicsStudy-Full.pdf (4.68 MB)
        - Gracz_052419_SignificantDegradation.pdf (2.29 MB)
        - EarthWorks_Pebble-FAILURE-TO-CAPTURE-AND-TREAT-WASTEWATER.pdf (351 KB)
        - Sobolewski_A-05202019_Review of water treatment plants proposed at the Pebble Project.pdf (957 KB)
        - Poulin_GeoChemControllingDissovledElementalHginAKWetlands_20190520 copy.pdf (2.39 MB)
        - Gracz_05242019_CarbonSequestration.pdf (47.6 KB)
        - AFS-PebbleEIS-Comment-Final_61319.pdf (795 KB)
        - Chambers_2019_05_20_Comments_on_the_Pebble_Draft_Environmental_Impact_Statement.pdf (189 KB)
        - Nuka Research_20190520_FNL Infrastructure.pdf (532 KB)
        - Schweisberg_05122019_Adverse Impacts Wetlands Rpt Final.pdf (202 KB)
    - Salmon State suspend process (March 21, 2019): SalmonState_Letter_USACE_SuspendProcess_DEIS.pdf (211 KB)
- The Nature Conservancy: TNC_Pebble_Comments_7-1-2019 (003).pdf (279 KB)
    - Albert_2019_Comparison_of_2018_Proposed_PebbleMine_with_EPA_404c_Criteria.pdf (1.99 MB)
- Trustees for Alaska: 2019 07 01 TFA to Corps.Pebble DEIS Comments POA 2017-00271.pdf (10.9 MB)
    - 2019 06 06 T.G. Yocom Basic and overall project purposes Final (2019b).pdf (949 KB)
    - 2019 05 20 Chambers_2019_05_20_Comments_on_the_Pebble_Draft_Environmental_Impact_Statement.pdf (189 KB)
    - 2019 06 24 Maest_PebbleDEIS.Comments_24June2019_FINAL.pdf (1.17 MB)
    - 2019 06 19 Utz AK mine permit comment.pdf (603 KB)
    - 2019 05 14 Schweisberg_05-14-2019_Adverse Impacts Wetlands Rpt.pdf (661 KB)
    - 2018 00 00 Dawson Report on Brown Bears.pdf (638 KB)
    - 2019 05 00 Young Econ Contribution of Bear Viewing Full Report.pdf (4.67 MB)
    - 2019 05 20 Nuka Research_20190520_FNL Infrastructure FINAL.pdf (532 KB)
    - 2019 06 06 Prucha__PebbleGWimpacts_FINAL.pdf (11.3 MB)
    - 2019 05 24 Gracz_052419_SignificantDegradation FINAL.pdf (2.3 MB)
    - 2019 06 11 Schweisberg_6-11-2019_230.10(c) Compliance FINAL.pdf (891 KB)
    - 2019 05 24 Reeves_Mauger_Water Temperature_Final (1).pdf (493 KB)
    - 2019 06 11 Power Consulting_Socio-Econ_6-11-2019-Final.pdf (1.07 MB)
    - 2019 06 24 Maest and Wobus - Pit Lake WQ.pdf (1.03 MB)
    - 2019 06 06 T.G. Yocom Mitigation Paper Final (2019a).pdf (1.79 MB)
    - 2019 06 21 Albert_Comparison_of_2018Pebble_with_EPA_404c.pdf (2.11 MB)
    - 2019 05 20 Lubetkin TransportationCorridorSpillRiskCritique_FINAL draft.pdf (924 KB)
    - 2019 06 06 T.G. Yocom Pebble DEIS Alternatives final (2019c).pdf (371 KB)
    - 2019 06 28 Welker_Mercury Pollution.pdf (81.4 KB)
    - 2019 04 00 Suring - The Pebble Project and McNeil River Brown Bears-Final.pdf (2.46 MB)
    - 2019 06 30 Wobus et al PAG model.pdf (2.31 MB)
    - 2019 07 01 O'Neal_Fish_and_habitat_impacts.pdf (3.65 MB)
    - 2019 03 12 Lynker_TSF_Pebble_Model_Report_Final.pdf (10.7 MB)
    - 2019 06 17 Schindler DEIS comments.pdf (161 KB)
    - 2019 05 24 Reeves_Mauger_Water Temperature_Final (1).pdf (493 KB)
    - 2019 05 30 Zamzow_2019 05 30_Fugitive dust_mine site.FINAL.pdf (1.44 MB)
    - 2019 06 15 Frisell_Contaminant_Bioaccumulation+Biomagnification.pdf (492 KB)

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  - 2019 05 30 Hovel_053019_IliamnaLakeandFishLifeHistoryDiversity_final.pdf (850 KB)
  - 2019 05 20 Sobolewski_A-05202019_Review of water treatment plants proposed at the Pebble Project.pdf (957 KB)
  - 2019 03 12 Lynker_TSF_Pebble_Model_Report_Final.pdf (10.7 MB)
  - 2019 06 13 AFS comments on DEIS.pdf (786 KB)
  - 2019 04 22 Zamzow_2019 04 22_Selenium Position Paper.Final.pdf (2.12 MB)
  - 2019 06 24 Reeves PHABSIM DEIS Comments final.pdf (227 KB)
  - 2019 07 01 TFA to Corps.Pebble DEIS Comments POA 2017-00271.pdf (10.9 MB)
  - 2019 04 22 Zamzow_2019 04 22_Selenium Position Paper.Final.pdf (2.12 MB)
  - 2019 05 30 Wobus_DEIS_Hydro_Comments_FINAL.pdf (703 KB)
  - 2019 06 29 Stanford Pebble DEIS comment.pdf (311 KB)
  - 2019 05 00 Gestring Earthworks Report - Failure to Capture and Treat Wastewater.pdf (243 KB)
  - 2019 05 09 Frissell+O'Neal_FugitiveDustRoads.FINAL2docx.pdf (2.92 MB)
- Wild Salmon Center: WSC Pebble DEIS Comments POA-2017-00271.pdf (224 KB)
  - 2019 05 24 Reeves_Mauger_Water Temperature_Final (1).pdf (493 KB)
  - Hovel_053019_IliamnaLakeandFishLifeHistoryDiversity_final.pdf (850 KB)
  - Zamzow_2019 04 22_Selenium Position Paper.Final.pdf (2.12 MB)
  - Prucha_06062019_PebbleGWimpacts_FINAL.pdf (11.3 MB)
- WWF: Pebble Mine DEIS - WWF Arctic Pgm Comments - FINAL.docx (2.82 MB)
  - FRISSELL_Contaminant_Bioaccumulation+Biomagnification_PEBBLE_DEIS_31may19_FINAL2.pdf (495 KB)
  - 20190520_NukaComments_FNL.pdf (536 KB)
  - Schoen DEIS Comments on Pebble Mine 6-11-19.docx (27.9 KB)
  - Aumiller_Matat_Vol_9_DA.pdf (688 KB)
  - The Pebble Project and McNeil River Brown Bears-Final[1].pdf (2.46 MB)
  - 15 June 2012_FINAL_ Effects of Copper on FishFINAL.pdf (4.32 MB)
  - Northrup_et_al-2012-Journal_of_Applied_Ecology.pdf (216 KB)
  - Bear Biology - SurringExecutive Summary.docx (27.7 KB)
  - Burns 2016 Maps.pdf (12.2 MB)
  - Frissell+O'Neal_FugitiveDustRoads_FINAL3.pdf (2.93 MB)

4. Expert/Technical Comments:

- American Fisheries Society: Pebble EIS Comment Final_61319 logos.pdf (795 KB)
- Richard Borden:
  - DEISSummaryCommentsBordenJune18.pdf (457 KB)
  - BordenPebblePermittingTimelineLetter4March.pdf (439 KB)
  - DEISAltCumulativeWaterMitigationAirCommentsBordenJune17.pdf (618 KB)
  - DEISReclamationandClosureCommentsBordenMay31.pdf (591 KB)
  - PebbleMineEconomicsBordenMarch28.pdf (480 KB)
  - DEISGeotechnicalCommentsBordenMay13.pdf (555 KB)
- Daniel E. Schindler, PhD: Pebble dEIS concerns Schindler June 30.pdf (165 KB)
- Jack Stanford, PhD: Stanford Pebble dEIS comment 29 June 19.pdf (310 KB)
- University of Washington School of Aquatics & Fishery Sciences Graduate Students:
  - Brennan_PebbleMineComment_20190630_fish.pdf (81.8 KB)
  - PebbleEIS_FishValuesAnalysis.docx (17.9 KB)
  - Pebble EIS Comment.pdf (88.4 KB)
  - Pebble dEIS concerns Thomas June 30th.pdf (61.9 KB)
  - Pebble_Mine_USACE.pdf (128 KB)
- Lorene Lynn (soil scientist): 7-1-2019_Lorene Lynn_comment_Pebble DEIS.pdf (130 KB)
- Bruce C. Switzer, PhD (mining consultant): Pebble Comments.pdf (54.9 KB)
- John Hechtel (bear biologist): Pebble Mine DEIS comments JLH.pdf (1.25 MB)

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- Columbia School of Law Sabin Center for Climate Change Law and UCLA School of Law Emmett Institute on Climate Change and the Environment: DEIS Pebble_final.pdf (308 KB)
- Karen Hebert (cultural anthropologist at Carleton University): Hébert-EIS comment-6-28-19.pdf (263 KB)
- Susan Woods (ethnobotanist): 2019_07_03_Woods_Susan_Comment.pdf (3.4 MB)
- Mike Byerly (fisheries): Pebble DEIS Public Comments - Mike Byerly.pdf (228 KB)
- Eliza Ghitis (geomorphologist): PebbleLetterEG.pdf (143 KB)
- Ivan Weber (Weber Sustainability Consulting, former Kennecott Utah Copper employee): 2019_07_02_Weber_Ivan_Comment.pdf (692 KB)
- Kari Harrison (soil scientist): Kari_Harrison_Public_Comments_July 1, 2019.pdf (90.3 KB)
- International Association for Bear Research and Management: IBA Comments on Pebble Project EIS .pdf (379 KB)
- Sterling Miller, via direct email (no link)
- Barry Santana (Engineer, Pedro Consulting)
  - Comments on Section 4.27_Final190530.pdf (214 KB)
  - Comments on Section 4.15_Final190530.pdf (183 KB)
  - Comments on Section 4.1 Environmental Consequences_Final190527.pdf (127 KB)
  - Comments on Chapter 2 Alternatives_Final190527.pdf (184 KB)
  - Comments on Executive Summary_Final190527.pdf (124 KB)
  - PebbleEISembankmentCommentsRF.pdf (79.3 KB)
- Mike Chilhuly (ret. fisheries biologist from Ninilchik): 2019_03_18_Chihuly_Mike_comment.pdf (684 KB)

5. Former Agency Employees:

- Former EPA Administrators Ruckelshaus, Whitman, and Reilly, Former DOI Secretary Babbitt: pebble.ACOE.comment.Ruckelshaus et al.june 24 2019.final.docx (14 KB)
- 65 Retired state and fed employees: Pebble Mine - Expert Letter 20190430.pdf (433 KB)
- 16 Retired federal and state employees and bear biologists: bear experts comments on Pebble Mine DEIS final version 6_30_19_SCA.docx (42.5 KB)
- Retired NPS cultural resources manager (Jeanne Schaaf): DEIS Pebble Prospect comments.docx (18.8 KB)
- McKie Campbell (former ADF&G Commissioner): Pebble DEIS Comments McKie Campbell.pdf (1.43 MB)

6. Alaska Native Corporations – Regional and Village:

- Bristol Bay Native Corporation:
  - Comments on 404 and DEIS (July 1, 2019): BBNC 404 and DEIS Comment ltr (Final) 7.19.2019.pdf (4.24 MB)
    - BBNC 404 DEIS Comments - Appx A - BBNC Property Interest.pdf (10.4 MB)
    - BBNC 404 DEIS Comments - Appx B - History of EPA Watershed Assessment and 404c.pdf (624 KB)
    - BBNC 404 DEIS Comments - Appx C - Pebble Mine Proposals Impacts to Waters and Anadromous Stream.pdf (3.78 MB)
    - BBNC 404 DEIS Comments - Appx D - Data Gaps and Deficiencies.pdf (215 KB)
    - BBNC 404 DEIS Comments - Appx E - Expert Reports.pdf (83.7 MB)

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ED_002890_00048290-00010 Bristol Bay/Pebble Mine 2019 FOIAs_Production011

    - BBNC 404 DEIS Comments - Appx F - Record Documents.pdf (105 MB)
  - NEPA Inadequacies (June 19, 2019): BBNC Letter to Corps 6.19.19.pdf (83.4 KB)
- Choggiung, Ltd.: Army Corps Pebble Draft EIS Comment - Choggiung Limited.pdf (277 KB)
- Igiugig Native Corp: INC Letter to USACE.pdf (143 KB)
- Pedro Bay Corporation:
  - NEPA Comment Letter: Pedro Bay Corp.pdf (90.7 KB)
  - Property Permissions Letter: 2019_07_03_Pedro_Bay_Corp_lands_letter.pdf (751 KB)

7. Alaska Tribes and Tribal Entities:

- Alatna Tribal Council: pebble mine ltr.pdf (777 KB)
- Aleknagik Traditional Council: ALEKNA%7E1.PDF (270 KB)
- Aleutian Pribilof Islands Association: APIA Resolution on Pebble DEIS.pdf (435 KB)
- Bristol Bay Native Association: USACE BBNA DEIS COMMENTS 7.1.19.pdf (332 KB)
- Ekuk Village Council: 04_15_2019_Ekuk_Village_Council_Comment_on_dEIS.PDF (104 KB)
- Ekwok Village Council (Jeff Parker Nov. 2018)
  - 11_09_2018_Parker, Geoffrey.pdf (33.7 MB)
  - 11_26_2018_Parker_Letter_to_State_of_Alaska_And_USACE.docx.pdf (1.47 MB)
- Ekwok Village Council and Bristol Bay Fishermen's Association (Jeff Parker July 1, 2019):
  - Pt 1_Comments on Pebble DEIS_for BBFA_EVC - 7-1-19 .pdf (12.3 MB)
  - Pt 2_Comments on Pebble DEIS_for BBFA_EVC - 7-1-19 .pdf (18 MB)
- Holy Cross Tribe: 05_20_2019_Letter_from_Holy_Cross_Tribe.pdf (718 KB)
- Huslia Tribal Council: 03_25_2019_Letter_from_Huslia Tribal Council.pdf (1.96 MB)
- Igiugig Village Council: IVC Letter to DEIS .pdf (385 KB)
- Manokotak Village Council: MANOKO%7E1.PDF (1.54 MB)
- Mentasta Traditional Council: MTCCOM%7E1.PDF (107 KB)
- Naknek Native Village Council: 05_08_2019_Naknek_Native_Village_Council_on_dEIS.PDF (293 KB)
- Native Village of Tetlin: 3.20.2019 EIS Pebble Mine Comment Letter.pdf (1.93 MB)
- Native Village of White Mountain: 06_06_2019_Native_Village_of_White_Mountain_Comments.pdf (454 KB)
- New Koliganek Village Council: NEWKOL%7E1.PDF (679 KB)
- New Stuyahok Traditional Council: NEWSTU%7E1.PDF (624 KB)
- Nondalton Tribal Council: NARF Cover Letter re. Pebble DEIS Comments_07.01.19.pdf (378 KB)
  - Nondalton Tribal Council and UTBB_Memorandum 3_Cumulative Impacts_07.01.19.pdf (361 KB)
  - Nondalton Tribal Council and UTBB_Memorandum 4_Potential Failures_07.01.19.pdf (2.48 MB)
  - Nondalton Tribal Council and UTBB_List of Recommendations_07.01.19.pdf (239 KB)
  - Nondalton Tribal Council and UTBB_Memorandum 6_Reclamation_07.01.19.pdf (951 KB)
  - Nondalton Tribal Council and UTBB_Memorandum 2_Cultural Considerations_07.01.19.pdf (403 KB)
  - Nondalton Tribal Council and UTBB_Memorandum 5_Purpose and Need_07.01.19.pdf (1.61 MB)
  - Nondalton Tribal Council and UTBB_Memorandum 7_Watershed Health_07.01.19.pdf (400 KB)
  - Nondalton Tribal Council and UTBB_Memorandum 1_Alternatives Analysis_07.01.19.pdf (320 KB)

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- Nondalton Tribal Council: 05_10_2019_Letter_from_Nondalton_Tribal_Council.pdf (1.11 MB)
- Organized Village of Kasaan: Draft EIS for proposed Pebble Mine.pdf (699 KB)
- Portage Creek Village Council: PORTAG%7E1.PDF (695 KB)
- Ruby Tribal Council: scan0025.pdf (500 KB)
- Traditional Council of Togiak: TRADIT%7E1.PDF (247 KB)

8. Other Alaska Jurisdictional Entities:

- Aleutians East Borough: AEB public comment 061119.pdf (890 KB)
- Aleutian Pribilof Island Community Development Ass'n: Public Comment POA-2017-271 Pebble Mine.pdf (146 KB)
- City of Chefornak: 04_30_2019_Letter_from_City_of_Chefornak.pdf (38.8 KB)
- City of Dillingham: 6-21-19 ACoE regarding Pebble DEIS .pdf (141 KB)
- City of Manokotak: USACEDEIS5319.docx (12.7 KB)
- City of Kodiak: 20190531 Pebble Project EIS Letter.pdf (128 KB)
- Fairbanks Citizen's Townhall Testimony Transcript: OfficialPebbleMineTownHallTestimony - FBX.5.31.pdf (613 KB)

9. Alaska and Bristol Bay Corporate/Business Entities:

- AK Adventures, Inc.: pebble deis comments 2019-06-24.pdf (106 KB)
- Alaska Bering Sea Crabbers: ABSC comment on Pebble Mine DEIS.pdf (590 KB)
- Alaska Select Seafood: Alaska Select Seafood DEIS Comment.pdf (704 KB)
- Alaska Pride Air LLC: 04_22_2019_Letter_from_Alaska_Pride_Air_LLC.PDF (441 KB)
- Bristol Bay Chamber of Commerce: Letter to Army Corps of Engineers.pdf (1.51 MB)
- Bristol Bay Heritage Land Trust: ACOE DEIS Pebble Comments (1).pdf (9.47 MB)
    - Sailing for Salmon-final-4 copy.pdf (4.94 MB)
    - AQ_KLGO.pdf (880 KB)
- Bristol Bay Reserve Association: 7_1_2019_BBRA_DEIS Comment Letter re Pebble Mine.pdf (854 KB)
- Bristol Bay Regional Seafood Development Association: BBRSDA DEIS Comment.pdf (384 KB)
- Businesses for Bristol Bay
    - April_B4BB_Letter to USACE_FINAL.pdf (78.7 KB)
    - Final B4BB ACOE End of Scoping Letter 6.25.18_FINAL2.pdf (359 KB)
    - B4BB comment letter to ACOE_April 2019_w names_FINAL.pdf (223 KB)
- Central Bering Sea Fishermen's Association: CBSFA-CDQ Friends Support For the People of Bristol Bay and BBEDC Efforts.pdf (300 KB)
- Commercial Fishermen for Bristol Bay: CFBB EIS comment letter_FINAL_POA-2017-00271.pdf (658 KB)
- Cook Inlet Seiners Association: CISAPebbleEISComments.pdf (232 KB)
- Misty Fjords Seafood Producers: Misty Fjord DEIS Comment.pdf (1.58 MB)
- Norton Sound Economic Development Corporation: NSEDC Letter to USACE re Pebble DEIS Comment Period.pdf (540 KB)
- Kiss a Moose, LLC: 2019 07 01 KAM Pebble Comment-5.pdf (2.23 MB)

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- Pacific Seafood Processors Association:
  - PSPA-Icicle-Ocean Beauty-SBS Comment letter on DEIS 6.28.2019.pdf (457 KB)
  - Combined Exhibits 1-4.pdf (3.57 MB)
- Surrender Salmon: Surrender Salmon DEIS Comment.pdf (947 KB)
- Trout Unlimited Alaska, Katmai Service Providers, and Alaska Lodges and Outfitters: TU Comments on Pebble DEIS - 20190701 Final.pdf (509 KB)
  - Attachment A Albert.pdf (1.92 MB)
  - Attachment B O.pdf (3.5 MB)
  - Attachment C Dodds.pdf (364 KB)
  - Attachment D Suring.pdf (2.47 MB)
  - Attachment E Gestring.pdf (9.74 MB)
  - Attachment F Zamzow.pdf (2.12 MB)
  - Attachment G Wobus.pdf (11.2 MB)
  - Attachment H Eisler.pdf (1.32 MB)
  - Attachment I Bucsuilaky.pdf (243 KB)
  - Attachment J Chambers.pdf (982 KB)
  - Attachment K Duffield.pdf (581 KB)
  - Attachment L Williams.PDF (123 KB)
  - Attachment M McCoy.pdf (91.3 KB)
  - Attachment N Dye.pdf (1.87 MB)
  - Attachment O Jardine.pdf (238 KB)
  - Attachment P Borden.pdf (484 KB)
  - Attachment Q Chambers.pdf (184 KB)
- United Fishermen of Alaska: EPA Pebble Comments .pdf (249 KB)
- Wild for Salmon & Pride of Bristol Bay: Wild for Salmon - Pride of Bristol Bay DEIS Comment.pdf (7.47 MB)
- Yukon Delta Fisheries Development Association: Pebble Comment Period.pdf (822 KB)

10. Tribes from outside of Alaska:

- Northwest Indian Fisheries Commission (20 treaty Indian tribes in western WA): NWIFC Comments on Pebble Mine Draft EIS for Bristol Bay, Alaska Letter 6.28.19.pdf (463 KB)
- Tulalip Tribes (Tulalip, WA): 2019_07_02_Tulalip Tribes_Comment.pdf (587 KB)

11. National Corporate/Business Entities:

- Ballard Alliance and the North Seattle Industrial Association: Ballard Allian.pdf (112 KB)
- Coalition of Coastal Fisheries and Columbia River Crab Fisherman's Association: CCF - CRCFA comments on Pebble Mine Bristol Bay Alaska to USACE 20 June 2019 2.0.pdf (552 KB)
- Freezer Longline Coalition: FLC comments on Pebble Mine EIS - July 2019.pdf (192 KB)
- Patagonia (Yvon and Malinda Chouinard): Public Comment of Yvon Chouinard & Malinda Chouinard on Pebble Mine 7-1-19.pdf (36.6 KB)
- Patagonia Works (drafted by attorneys at Blankenau Wilmoth Jarecke LLP): FINAL 6.28.19 PW Comment on Pebble Mine.pdf (309 KB)
- PCC Community Markets: PCC Bristol Bay EIS Comments to USACE 06262019 FINAL.pdf (213 KB)
- Port Townsend Marine Trades Association: 6.28.19 PTMTA Opposes Pebble Mine Proposal.docx (95 KB)
- Red Lobster et al: SeafoodbusinessComment on ACOE PPP.pdf (317 KB)

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ED_002890_00048290-00013 Bristol Bay/Pebble Mine 2019 FOIAs_Production011

- Seafood Chefs (80+): Pebble Mine EIS_Chef Sign On July 1.pdf (146 KB)
- Seafood Harvesters of America: SHA_PebbleEIS_Comments.pdf (54 KB)
- Tiffany & Co: Tiffany and Co. Comments to USACE on Permit Application 2017-271 Pebble Limited Partnership 7-1-19.pdf (162 KB)

AMERICAN OVERSIGHT

To: Hladick, Christopher[hladick.christopher@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Sat 6/29/2019 6:48:59 PM (UTC)
Subject: Fwd: Pebble draft 404 and DEIS letters

Chris - just wanted to highlight for you that the edits we received yesterday would (Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

Begin forwarded message:

From: "Allnutt, David" <Allnutt.David@epa.gov>
Date: June 28, 2019 at 2:37:23 PM PDT
To: "Fotouhi, David" <Fotouhi.David@epa.gov>
Cc: "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>
Subject: Re: Pebble draft 404 and DEIS letters

David — got it. We'll be in touch if we have questions. Thanks.

Sent from my iPhone

On Jun 28, 2019, at 2:18 PM, Fotouhi, David <Fotouhi.David@epa.gov> wrote:

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

AMERICAN OVERSIGHT

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

<EDIT PLP DEIS NEPA Cover Letter_21June2019.docx>

<EDIT PLP 404 Cover Letter_20June2019.docx>

<EDIT PLP DEIS Enclosure_21June2019 draft.docx>

<EDIT PLP 404 Enclosure_20June2019.docx>

AMERICAN OVERSIGHT

To: Hladick, Christopher[hladick.christopher@epa.gov]
From: Pirzadeh, Michelle[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2AE309E0A52A42CD847709B39BC2239A-PIRZADEH, MICHELLE]
Sent: Tue 6/4/2019 2:11:31 AM (UTC)
Subject: Re: Pebble interim drafts

No I didn't. I talked to David at the end of today on a different topic and he mentioned he had sent it and that he was sending out to R10 staff, including me, for awareness, so I have not read it yet.

Sent from my iPhone

On Jun 3, 2019, at 6:35 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

I am assuming you did not get to see this

Sent from my iPhone

Begin forwarded message:

From: "Allnutt, David" <Allnutt.David@epa.gov>
Date: June 3, 2019 at 6:51:19 PM MDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Cc: "Fotouhi, David" <Fotouhi.David@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

Matt – attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.

We had a helpful review session with David Fotouhi late last Thursday. We're currently revising the enclosures to both letters to address David F's recommendations at this meeting regarding Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<Picture (Device Independent Bitmap) 1.jpg>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

<PLP 404 Cover Letter_3June2019.docx>

<PLP 404 Enclosure_22May2019 draft.docx>

AMERICAN OVERSIGHT

<PLP DEIS Detailed Comments_22May2019.docx>

<PLP DEIS Cover Letter_3June2019.docx>

AMERICAN OVERSIGHT

To: Hladick, Christopher[hladick.christopher@epa.gov]; Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]
From: Detwiler, Susan K.[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E1F5FDE309E84A43A75E34E234C1C680-DETWILER, S]
Sent: Mon 6/3/2019 11:24:11 PM (UTC)
Subject: RE: Invitation to meet with Alaska trade organizations
June 2019 Alaska Travel_M Leopold_Draft Itinerary updated5.31.19.docx

OK, thanks. Most recent Tues-Thurs itinerary attached.

From: Hladick, Christopher
Sent: Monday, June 3, 2019 3:14 PM
To: Detwiler, Susan K. <detwiler.susan@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: Fwd: Invitation to meet with Alaska trade organizations

Will let you know if this is happening

Sent from my iPhone
Begin forwarded message:

> **From:** Marleanna Hall <mhall@akrdc.org>
> **Date:** June 3, 2019 at 5:08:46 PM MDT
> **To:** <hladick.christopher@epa.gov>
> **Cc:** Deantha Crockett <Deantha@AlaskaMiners.org>
> **Subject: FW: Invitation to meet with Alaska trade organizations**
>
> Dear Regional Administrator Hladick:
>
> Last week, RDC signed on to the attached letter to General Counsel Matt Leopold inviting him to meet with several groups during his upcoming trip to Alaska next week. I wanted to make sure your office received a copy, and offer up both myself and Deantha Crockett (cc'd) to help facilitate if you thought there would be a chance to briefly meet with Mr. Leopold. If there is someone else we should reach out to, please let me know.
>
> Thank you,
> Marleanna Hall
> Executive Director
> Resource Development Council for Alaska, Inc.
> 121 West Fireweed Lane, Suite 250
> Anchorage, AK 99503
>
> 907-276-0700 ext. 1 | 907-229-9229 cellular | akrdc.org
> Facebook: Resource Development Council | Twitter: @alaskardc
>
> *Growing Alaska Through Responsible Resource Development*
>
> ------ Forwarded Message
> **From:** Deantha Crockett <Deantha@AlaskaMiners.org>
> **Date:** Wed, 29 May 2019 19:49:40 +0000
> **To:** "leopold.matt@epa.gov" <leopold.matt@epa.gov>
> **Cc:** Kati Capozzi <kati@alaskachamber.com>, Kara Moriarty <moriarty@aoga.org>, Rebecca Logan <rlogan@alaskaalliance.com>, Alicia Siira <alicia@agcak.org>, Karen Matthias <kjmatthias@alaskaproducers.org>, Marleanna Hall <mhall@akrdc.org>
> **Subject:** Invitation to meet with Alaska trade organizations
>
> Dear Mr. Leopold:
>
> Attached please find an invitation to meet with representatives from several Alaska business organizations in Alaska. We appreciate your consideration of this request, and please let us know if you have any questions.

AMERICAN OVERSIGHT

Deantha Crockett
Executive Director
Alaska Miners Association
(907) 270-9234 direct
(907) 563-9229 main
(907) 317-6323 mobile
deantha@alaskaminers.org
121 W. Fireweed Lane, Suite 120
Anchorage, AK 99503

------ End of Forwarded Message

AMERICAN OVERSIGHT

To: Allnutt, David[Allnutt.David@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Tomiak, Robert[tomiak.robert@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Tue 6/4/2019 11:41:52 PM (UTC)
Subject: RE: Pebble interim drafts

Thanks, David. On the third point, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Tuesday, June 4, 2019 5:43 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

DELIBERATIVE--DO NOT RELEASE

David - thanks for this. Here are my responses (and one request for clarification) to your three points below:

Ex. 5 Deliberative Process (DP)

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David

AMERICAN OVERSIGHT

Sent: Tuesday, June 04, 2019 10:42 AM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

DELIBERATIVE--DO NOT RELEASE

David:

Thank you for providing these drafts to Matt. As I thought further about the issues we discussed at our meeting with the full team last week, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, June 3, 2019 8:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

Matt - attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.

We had a helpful review session with David Fotouhi late last Thursday. We're currently revising the enclosures to both letters to address David F's recommendations at this meeting regarding: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<< File: PLP 404 Cover Letter_3June2019.docx >> << File: PLP DEIS Cover Letter_3June2019.docx >> << File: PLP 404 Enclosure_22May2019 draft.docx >> << File: PLP DEIS Detailed Comments_22May2019.docx >>

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<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt - Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]
Cc: Forsgren, Lee[Forsgren.Lee@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Wed 5/15/2019 6:00:24 PM (UTC)
Subject: RE: Pebble mine site visit

Stephanie Rich is coordinating with Jennie Keith in ethics.

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Leopold, Matt (OGC)
Sent: Wednesday, May 15, 2019 10:58 AM
To: Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>
Subject: Re: Pebble mine site visit

Can we contact ethics for the final view? **Ex. 5 Deliberative Process (DP)**

Thanks, Matt

Sent from my iPhone
On May 15, 2019, at 1:28 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:

> Matt:
>
> I tried to call your cell earlier but this is the gist of what I wanted to talk about:
>
> **Ex. 5 Deliberative Process (DP)**
>
> Chris Hladick
> Regional Administrator
> U.S. Environmental Protection Agency, Region 10
> Office: (206) 553-1234
> Cell: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Fax: (206) 553-1809

AMERICAN OVERSIGHT

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Thur 4/25/2019 7:12:31 PM (UTC)
Subject: Re: Murkowski Calls for Pebble Comment Period Extension

Matt
Will prepare a list of Congressional visits you might consider.

Lee

Sent from my iPhone

On Apr 25, 2019, at 3:02 PM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

Thanks. I would like to do the trip to Alaska the second week of June. I would plan to come to Seattle first. How should we go about setting this up?

Lee, can you start thinking of what meetings are necessary on the Hill given the recent inquires? I assume we should do those in May?

Matt

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Hladick, Christopher
Sent: Thursday, April 25, 2019 9:54 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Fwd: Murkowski Calls for Pebble Comment Period Extension

Am guessing Murkowski will request consultation on anything we do as well.

Subject: Murkowski Calls for Pebble Comment Period Extension

Murkowski Calls for Pebble Comment Period Extension; Stresses Need for Meaningful Consultation and Time for Feedback from Alaskans

04.24.19

Murkowski Calls for Pebble Comment Period Extension

Stresses Need for Meaningful Consultation and Time for Feedback from Alaskans

AMERICAN OVERSIGHT

Affter completing review of the Draft Environmental Impact Statement (DEIS) for the proposed Pebble mine project in Bristol Bay, U.S. Senator Lisa Murkowski (R-AK) today sent a letter to Colonel Phillip Borders, U.S. Army Corps of Engineers Alaska District Commander, requesting an extension for the public comment period from 90 days to 120 days. Currently, the public comment period runs through May 30.

In her letter, Senator Murkowski acknowledged her appreciation for the U.S. Army Corps of Engineers for providing a public comment period twice the length of the required minimum comment period of 45 days, but cited a need for an immediate extension. Given the length and complexity of the DEIS, Murkowski stressed the necessity to extend the comment period by an additional 30 days in order to ensure that the thousands of Alaskans who have followed this project closely have the opportunity to provide meaningful feedback.

“I appreciate all the work the Corps is doing on this project to meet its responsibilities with respect to this permitting application. When the DEIS was first posted, I raised concerns about the length of the comment period, given the size and scope of the project, as well as statewide interest. After carefully reviewing the DEIS, I’ve concluded Alaskans need more time,” said Senator Murkowski. “The Corps permit is one of many the proposed Pebble mine will ultimately need to acquire, but throughout this process I want Alaskans to have adequate time to review and weigh in on the project. I expect their input to be taken seriously and fully considered in the development of the final EIS and the Record of Decision.”

Murkowski also requested the U.S. Army Corps of Engineers redouble its efforts to engage in meaningful consultation with the Alaska Natives who live in the Bristol Bay region, including ensuring local residents have the ability to provide input on the DEIS in a government-to-government setting in the region.

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The full text of the letter is available here and below.

Dear Colonel Borders:

I write today to request the U.S. Army Corps of Engineers (Corps) extend the public comment period for the Draft Environmental Impact Statement (DEIS) for the proposed Pebble mine in Bristol Bay, Alaska from 90 days to 120 days.

While I appreciate the U.S. Army Corps of Engineers providing a public comment period of 90 days – twice the length of the required minimum comment period of 45 days – I believe the Corps should immediately extend the comment period by an additional 30 days. Acting now is important given the length and complexity of the DEIS and the need to ensure that the thousands of Alaskans who have followed this project closely can provide meaningful feedback on it.

In addition, I urge you to redouble your efforts to engage in meaningful consultation with the Alaska Natives who live in the Bristol Bay region. I understand consultation occurs throughout the EIS process and that input from tribes can occur outside the boundaries of the comment period. I ask that you make every attempt to ensure that local residents receive the DEIS and can provide their input in a government-to-government setting in the region. I also expect that input to be taken seriously and fully considered in the development of the final EIS and the Record of Decision.

I make this request for this proposed project as an exception to my general view about the appropriate length of comment periods for EISs under the National Environmental Policy Act. This request is consistent with the 120-day comment period I asked the EPA to conduct for the Bristol Bay Watershed Assessment in 2012. I do not believe, however, that a similar comment period is warranted for any other project or rulemaking underway in Alaska at this time.

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I appreciate all the work the Corps is doing on this project to meet its responsibilities with respect to this permitting application. I also recognize that the Corps permit is one of many the proposed Pebble mine will ultimately need to acquire, with the bulk of the permitting for this project occurring at the state level.

I thank you in advance for your consideration of this request.

Sincerely,

Bill Dunbar
EPA Region 10
O:206/553-1019
C: Ex. 6 Personal Privacy (PP)
1200 Sixth Avenue, Suite 155
M/S RAD-202
Seattle, WA 98101

Follow us!

<image001.png> <image002.png> <image003.png> <image004.png> <image005.png><image006.png>

AMERICAN OVERSIGHT

To: Hladick, Christopher[hladick.christopher@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Thur 4/25/2019 1:54:29 PM (UTC)
Subject: Automatic reply: Murkowski Calls for Pebble Comment Period Extension

Thank you for your message; I am out of the office with intermittent access to email until Thursday, May 2. I will respond to your message as soon as I am able to do so. For assistance, please contact Monique Patrick at 202-564-5534.

AMERICAN OVERSIGHT

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Fri 5/3/2019 10:35:14 PM (UTC)
Subject: RE: Corps announced 30-day extension to Pebble DEIS comment period

That is what I thought you would want to do. You may need to tell the OGC staff of your preference. I will tell the OW staff and Chris can tell the R10 staff.

-----Original Message-----
From: Leopold, Matt (OGC)
Sent: Friday, May 3, 2019 6:30 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: RE: Corps announced 30-day extension to Pebble DEIS comment period

I think we should keep moving ahead on the current schedule and discuss at the May 8 check in. It's nice to know we have that option. Thanks

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

-----Original Message-----
From: Forsgren, Lee
Sent: Friday, May 3, 2019 5:14 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>
Subject: FW: Corps announced 30-day extension to Pebble DEIS comment period

Matt,
Now that the COE in Alaska have extended the comment period by 30 days do you want to give the team the additional time to provide comments on the Pebble EIS and 404 permit?

It will have significant logistical impacts either way you decide.

Regards,
Lee

-----Original Message-----
From: Goodin, John
Sent: Friday, May 3, 2019 4:53 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Corps announced 30-day extension to Pebble DEIS comment period

DELIBERATIVE

Thanks, Lee. We should make that a point of discussion **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Thanks,
John

-----Original Message-----
From: Forsgren, Lee
Sent: Friday, May 03, 2019 4:11 PM
To: Goodin, John <Goodin.John@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Corps announced 30-day extension to Pebble DEIS comment period

Ex. 5 Deliberative Process (DP)

-----Original Message-----
From: Goodin, John
Sent: Friday, May 3, 2019 4:06 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Corps announced 30-day extension to Pebble DEIS comment period
Importance: High

We'll propose a revised internal schedule. Note that this will put Matt's visit during the comment period.

-----Original Message-----
From: Hough, Palmer
Sent: Friday, May 03, 2019 4:04 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: Corps announced 30-day extension to Pebble DEIS comment period
Importance: High

FYI - Corps just announced a 30-day extension to the Pebble DEIS comment period, R10 is revising the comment letter production schedule, so the team plans to take more time to work on the NEPA and 404 letters before starting management review.

-----Original Message-----
From: Vaughan, Molly
Sent: Friday, May 03, 2019 3:41 PM
To: LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Barnhart, Megan <barnhart.megan@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: McGrath, Patricia <mcgrath.patricia@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: FW: 05_03_2019_email_RE_public_comment_extension_for_dEIS no response needed (UNCLASSIFIED)

Hello All,
We just received word from the Corps that the comment period has been extended an additional 30 days, to June 29. Per Patty's previous email, we will draft a revised review schedule for the letters, and share that on Monday.

AMERICAN OVERSIGHT

Regards,
Molly

-----Original Message-----
From: POA Special Projects <poaspecialprojects@usace.army.mil>
Sent: Friday, May 03, 2019 11:27 AM
To: bobl@jadenorth.com; Brooke Merrell <brooke_merrell@nps.gov>; Curyung Tribal <courtenay@curyungtribe.com>; Daugherty, Linda (PHMSA) <linda.daugherty@dot.gov>; David Seris (David.M.Seris@uscg.mil) <David.M.Seris@uscg.mil>; Douglass Cooper <douglass_cooper@fws.gov>; Hassell, David (PHMSA) <david.hassell@dot.gov>; J. Loichinger <jloichinger@achp.gov>; Joan Kluwe <joan_kluwe@nps.gov>; John Eddins <jeddins@achp.gov>; Mark Fesmire <mark.fesmire@bsee.gov>; 'mary_colligan@fws.gov' <mary_colligan@fws.gov>; McCall, John <john.mccall@bsee.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Moselle, Kyle W (DNR) <kyle.moselle@alaska.gov>; manager@lakeandpen.com; POA Special Projects <poaspecialprojects@usace.army.mil>; nondaltontribe@yahoo.com; Wesley Furlong <wfurlong@narf.org>
Cc: Craig, Bill <bill.m.craig@aecom.com>; POA Special Projects <poaspecialprojects@usace.army.mil>; Bella, Elizabeth <elizabeth.bella@aecom.com>; Bellion, Tara <tara.bellion@aecom.com>
Subject: 05_03_2019_email_RE_public_comment_extension_for_dEIS no response needed (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

After careful consideration, the District will extend the current May 30, 2019 deadline for an additional 30 days. The deadline for submitting comments on the draft environmental impact is now June 29, 2019. The District will consider all comments submitted by June 29, 2019, before finalizing the EIS and making any permit decision.

It would be appreciated if your agency would submit comments in as timely manner as possible so that we can review and help inform the specificity of the topics for the technical work shops and who should participate.

VR

Shane McCoy
Program Manager

CLASSIFICATION: UNCLASSIFIED

AMERICAN OVERSIGHT

To: Ross, David P[ross.davidp@epa.gov]
Cc: Hladick, Christopher[hladick.christopher@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Fri 5/25/2018 7:47:23 PM (UTC)
Subject: Re: a question from The Washington Post about Pebble Mine

If you need input from OW please contact me.

Sent from my iPhone

On May 25, 2018, at 3:42 PM, Ross, David P <ross.davidp@epa.gov> wrote:

> Hi everyone. Just a quick reminder that I am recused on the Pebble Mine project. Please don't cc me on any response or substantive dialogue. Thanks.
>
> Have a nice weekend everyone.
>
> Dave
>
> ---
>
> **From:** Hladick, Christopher
> **Sent:** Friday, May 25, 2018 11:14 AM
> **To:** Bodine, Susan <bodine.susan@epa.gov>
> **Cc:** Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
> **Subject:** Re: a question from The Washington Post about Pebble Mine
>
> Yup it's mine! No pun intended.... have a good Memorial Day. I will make contact.
>
> Chris
>
> Sent from my iPhone
> On May 25, 2018, at 8:11 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:
>
> > This is an OW and R10 question.
> >
> > Susan
> >
> > ---
> >
> > **From:** Ferguson, Lincoln
> > **Sent:** Friday, May 25, 2018 11:00 AM
> > **To:** Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
> > **Cc:** Wilcox, Jahan <wilcox.jahan@epa.gov>
> > **Subject:** FW: a question from The Washington Post about Pebble Mine
> >
> > See inquiry below.
> >
> > ---
> >
> > **From:** Eilperin, Juliet [mailto:Juliet.Eilperin@washpost.com]
> > **Sent:** Friday, May 25, 2018 10:52Steven.Mufson@washpost.comAM
> > **To:** Press <Press@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Mufson, Steven <Steven.Mufson@washpost.com>
> > **Subject:** a question from The Washington Post about Pebble Mine
> >
> > Dear All,
> >
> > My colleague Steve Mufson and I are planning to write a story about how the primary backer of Pebble Mine, Northern Dynasty, has terminated its agreement with First Quantum Minerals: https://seekingalpha.com/pr/17174449-northern-dynasty-first-quantum-minerals-terminate-framework-

AMERICAN OVERSIGHT

agreement

Have the companies notified EPA of this move, and can you let us know how this might affect applications for the project?
Thanks, Juliet

Juliet Eilperin
Senior National Affairs Correspondent
Washington Post
Juliet.eilperin@washpost.com
(O) 202-334-7774
(C) 202-302-3663
@eilperin

AMERICAN OVERSIGHT

To: Bowman, Liz[Bowman.Liz@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]
Cc: Leopold, Matt[Leopold.Matt@epa.gov]; Schwab, Justin[Schwab.Justin@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Hladick, Christopher[hladick.christopher@epa.gov]; Wilcox, Jahan[wilcox.jahan@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Wed 1/24/2018 7:48:38 PM (UTC)
Subject: RE: Embargoed Bristol Bay/Pebble Mine

Ex. 5 Deliberative Process (DP)

From: Bowman, Liz
Sent: Wednesday, January 24, 2018 2:37 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>
Subject: RE: Embargoed Bristol Bay/Pebble Mine

Ex. 5 Deliberative Process (DP)

From: Forsgren, Lee
Sent: Wednesday, January 24, 2018 2:32 PM
To: Lyons, Troy <lyons.troy@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Embargoed Bristol Bay/Pebble Mine

Troy,

Do you need someone to help answer questions? This could go sideways fast!

Lee

From: Lyons, Troy
Sent: Wednesday, January 24, 2018 2:30 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: Embargoed Bristol Bay/Pebble Mine

Theee calls are occurring to the delegation NOW!!!!!!!

Sent from my iPhone
On Jan 24, 2018, at 2:28 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Liz,

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Respectfully,
Lee

From: Bowman, Liz
Sent: Wednesday, January 24, 2018 2:21 PM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Schwab, Justin <Schwab.Justin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Embargoed Bristol Bay/Pebble Mine

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Liz Bowman
U.S. Environmental Protection Agency (EPA)
Office: 202-564-3293

AMERICAN OVERSIGHT

To: Goodin, John[Goodin.John@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]
Cc: Nalven, Heidi[Nalven.Heidi@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Brian Frazer[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]
Sent: Sat 6/29/2019 10:18:02 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

John/David

I have reviewed DF's latest set of edits to the 404 cover letter and enclosure. Consistent with his previous edits and direction, this round of edits Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Goodin, John
Sent: Friday, June 28, 2019 5:25 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>
Subject: Fwd: Pebble draft 404 and DEIS letters

Sent from my iPhone
Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** June 28, 2019 at 5:18:29 PM EDT
> **To:** "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Allnutt, David" <Allnutt.David@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>
> **Cc:** "Hladick, Christopher" <hladick.christopher@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>
> **Subject: RE: Pebble draft 404 and DEIS letters**
>
> DELIBERATIVE—DO NOT RELEASE
>
> Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know.

Ex. 5 Deliberative Process (DP)

I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: McGrath, Patricia[mcgrath.patricia@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
Sent: Sat 6/29/2019 7:17:54 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

Folks

I looked at the 404 coverletter and enclosure that is on the sharepoint site in the file called "6-28-19 drafts."

In that file it looked like Matt had already started revising drafts to address the comments provided by DF. I put my comments in the cover letter and enclosure files named "28June2019 MAL."

Ex. 5 Deliberative Process (DP)

-Palmer

From: McGrath, Patricia
Sent: Friday, June 28, 2019 7:52 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

404 team-
Please let Molly and I know when you are done making edits to the 404 enclosure and also let us know which sections of the enclosure were edited so that we can make changes to the same comments in the NEPA enclosure.
Thanks-
Patty

From: Palomaki, Ashley
Sent: Friday, June 28, 2019 3:20 PM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Thanks, Molly.

I made a new folder with today's date within the PN folder that we've been using to work on the 404 letter.

You can access the latest versions of the 404 CL and enclosure here:

https://usepa.sharepoint.com/:f:/s/R10_Work/pebble_project_po_nr_team/EhwhJXCbB99CqH0am7Q8h6oBouOo-P4TskBrilbhpODvMw

Ashley Palomaki
Assistant Regional Counsel

AMERICAN OVERSIGHT

U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Vaughan, Molly
Sent: Friday, June 28, 2019 3:14 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Hi All – I have saved the NEPA letters to the Sharepoint Site – DEIS Letters folder with today's date in the title, and will begin working through the edits in that version.
https://usepa.sharepoint.com/:w:/r/sites/R10_Work/pebble_project_po_nr_team/Shared%20Documents/DEIS%20Comments/PLP%20DEIS%20NEPA%20Cover%20Letter_28June2019.docx?d=w47a9a0088a65411289063f3b0f436e1a&csf=1

https://usepa.sharepoint.com/:w:/r/sites/R10_Work/pebble_project_po_nr_team/Shared%20Documents/DEIS%20Comments/PLP%20DEIS%20Enclosure_28June2019%20draft.docx?d=wcf4073990f3940dc8c3d572bf9c30fdf&csf=1

Matt/Ashley/Palmer– please share the link to the current working version of the 404 letter as well, as there are places where we have been requested to ensure that the NEPA letter is consistent with edits made on the 404 letter.

Thanks,
Molly

From: McGrath, Patricia
Sent: Friday, June 28, 2019 1:34 PM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Fwd: Pebble draft 404 and DEIS letters

Sent from my iPhone
Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** June 28, 2019 at 2:18:29 PM PDT
> **To:** "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Allnutt, David" <Allnutt.David@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>
> **Cc:** "Hladick, Christopher" <hladick.christopher@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>
> **Subject: RE: Pebble draft 404 and DEIS letters**
>
> DELIBERATIVE—DO NOT RELEASE
>
> Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know.

Ex. 5 Deliberative Process (DP)

I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

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Ex. 5 Deliberative Process (DP)

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Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
Cc: Wehling, Carrie[Wehling.Carrie@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Hough.Palmer@epa.gov[Hough.Palmer@epa.gov]
Sent: Mon 7/1/2019 2:26:20 PM (UTC)
Subject: Re: Pebble draft 404 and DEIS letters - Heidi's recommended edits

Heidi. I'm ok with Ex. 5 AC/DP

Sent from my iPhone

On Jul 1, 2019, at 9:55 AM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

Carrie – I saw our emails crossed. I will send David an email with the legal changes we will recommend.

John/Palmer – Ex. 5 AC/DP

Ex. 5 AC/DP

From: Nalven, Heidi
Sent: Monday, July 01, 2019 9:51 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters - Heidi's recommended edits

Ex. 5 Attorney Client (AC)

AMERICAN OVERSIGHT

Heidi Nalven
U.S. EPA Office of General Counsel

From: Nalven, Heidi
Sent: Monday, July 01, 2019 9:23 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Levine, MaryEllen <levine.maryellen@epa.gov>; Witt, Richard <Witt.Richard@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters - Heidi's recommended edits

Steve/Carrie – Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

AMERICAN OVERSIGHT

Ex. 5 Attorney Client (AC)

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Fotouhi, David
Sent: Friday, June 28, 2019 5:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know.

Ex. 5 Deliberative Process (DP)

I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

AMERICAN OVERSIGHT

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

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Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
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Best Regards

Patty

Patty McGrath | **Mining Advisor**
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

To: Bahadori, Tina[Bahadori.Tina@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
Cc: Schofield, Kate[Schofield.Kate@epa.gov]
From: Kirby, Kevin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CBB65672F6F34545BE460A66FF6FA969-KIRBY, KEVIN]
Sent: Wed 8/7/2019 5:41:37 PM (UTC)
Subject: FW: BBWA Follow-up

Just to keep you guys in the loop as last week's news finally comes across my decks…
Ex. 5 Deliberative Process (DP)
KjK

From: Kirby, Kevin
Sent: Wednesday, August 7, 2019 10:49 AM
To: Gonder, Sharon <Gonder.Sharon@epa.gov>
Cc: Holloman, Vincia <Holloman.Vincia@epa.gov>
Subject: RE: BBWA Follow-up

Wow…

Ex. 5 Deliberative Process (DP)

KjK

From: Gonder, Sharon <Gonder.Sharon@epa.gov>
Sent: Wednesday, August 7, 2019 9:04 AM
To: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Subject: FW: BBWA Follow-up

FYI

Sharon Gonder | Acting Deputy Office Director
Office of Enterprise Information Programs
Office of Mission Support | U.S. Environmental Protection Agency
(202) 564-5256 | gonder.sharon@epa.gov

From: Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Sent: Wednesday, August 07, 2019 7:48 AM
To: Holloman, Vincia <Holloman.Vincia@epa.gov>; Gonder, Sharon <Gonder.Sharon@epa.gov>
Cc: Wells, Jeffrey <Wells.jeffrey@epa.gov>
Subject: BBWA Follow-up

All,

Ex. 5 Deliberative Process (DP)

Please make sure we coordinate with OGC on the review. I would like to have this completed this week.

Thank you
Vaughn

AMERICAN OVERSIGHT

Vaughn Noga, Chief Information Officer
and Deputy Assistant Administrator for Environmental Information
Office of Mission Support
U.S. Environmental Protection Agency
1200 Pennsylvania Ave
Washington DC 20460

AMERICAN OVERSIGHT

To: Goodin, John[Goodin.John@epa.gov]
Cc: Kaiser, Russell[Kaiser.Russell@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
From: Frazer, Brian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=572986D047624669891DA90708433DA1-BRIAN FRAZER]
Sent: Sat 5/11/2019 6:36:44 PM (UTC)
Subject: Re: Pebble interim drafts

John,
I spoke with Dave A. on Friday. He asked Chris to inform Matt that R10 is going to present to Matt the current rough drafts of both NEPA and 404 letters. They are not going to develop any briefing materials according to Dave.

bf

****

Brian Frazer, Director
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
US Environmental Protection Agency
202-566-1652

Sent from my iPhone

On May 11, 2019, at 9:53 AM, Goodin, John <Goodin.John@epa.gov> wrote:

We'll need to chat NLT Monday morning re the approach to the briefing since it is now on, Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)
Brian— Did you hear from David re whether Chris reaches Matt and the result?

Thanks
John

Sent from my iPhone

Begin forwarded message:

From: "Allnutt, David" <Allnutt.David@epa.gov>
Date: May 10, 2019 at 7:47:09 PM CDT
To: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Cc: "Hladick, Christopher" <hladick.christopher@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

<Picture (Device Independent Bitmap) 1.jpg>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

<NEPA Enclosure for GC.docx>

<404 Cover Letter for GC.docx>

<404 Enclosure for GC.docx>

<NEPA Cover Letter for GC.docx>

AMERICAN OVERSIGHT

To: Hough, Palmer[Hough.Palmer@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Sat 5/11/2019 1:05:40 AM (UTC)
Subject: FW: Pebble interim drafts
NEPA Enclosure for GC.docx
404 Cover Letter for GC.docx
404 Enclosure for GC.docx
NEPA Cover Letter for GC.docx

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Allnutt, David
Sent: Friday, May 10, 2019 6:01 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Pebble interim drafts

Forwarding this on to the R10 folks FYSA. Political and career leadership from all three HQ offices were copied on my email, so I'm not attempting to hit all the HQ staff. (Except for Heidi, since it looks like Steve is out).

Big thanks to those of you who scrambled to get these into sharing shape.

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

AMERICAN OVERSIGHT

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Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
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AMERICAN OVERSIGHT

To: Hough, Palmer[Hough.Palmer@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Thur 5/16/2019 3:57:18 PM (UTC)
Subject: RE: Pebble interim drafts

Hi - Undigging and checking in. If I'm following emails, Palmer is going to send us versions to review? Is that right? If yes, can you confirm whether we've received and if there is a place I should start reviewing? Thanks!!

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Hough, Palmer
Sent: Tuesday, May 14, 2019 10:02 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Pebble interim drafts

I'm tied up most of tomorrow with a long meeting with the **Ex. 5 Deliberative Process (DP)** so I'm going to post what I have for the 404 letters by COB today.

That way Ashley can look at it tomorrow if she has time. I am free anytime Friday to meet.

I can also make time to meet on Thursday afternoon if folks want to discuss anything.

Ps I hope some of the other things you are working on include the draft RFC response (comments due tomorrow COB) and the **Ex. 5 Deliberative Process (DP)**

From: Nalven, Heidi
Sent: Tuesday, May 14, 2019 12:07 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Pebble interim drafts

Ashley is out til tomorrow and I am swamped on other things. Feel free to take tomorrow too. Should we plan to meet on Friday after we have had a chance to review on Thursday?

From: Hough, Palmer
Sent: Tuesday, May 14, 2019 11:51 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Pebble interim drafts

I've been editing the GC drafts of the 404 letters. I will share what I have with both of you later today, via sharepoint.

Is that ok?

From: Nalven, Heidi
Sent: Monday, May 13, 2019 8:42 AM

AMERICAN OVERSIGHT

To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: FW: Pebble interim drafts

FYI.

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Allnutt, David
Sent: Friday, May 10, 2019 9:01 PM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; Nogi, Jill <nogi.jill@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Pebble interim drafts

Forwarding this on to the R10 folks FYSA. Political and career leadership from all three HQ offices were copied on my email, so I'm not attempting to hit all the HQ staff. (Except for Heidi, since it looks like Steve is out).

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<< OLE Object: Picture (Device Independent Bitmap) >>

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1200 Sixth Avenue, Suite 155, 14-D12
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Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt - Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

AMERICAN OVERSIGHT
Ex. 5 Deliberative Process (DP)
EPA-19-1101-H-000121
ED_002890_00062323-00002
Bristol Bay/Pebble Mine 2019 FOIAs_Production011

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

Message

From: Maddox, Donald [Maddox.Donald@epa.gov]
Sent: 4/11/2019 6:20:18 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Bennett, Brittany [bennett.brittany@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Santell, Stephanie [Santell.Stephanie@epa.gov]
Subject: RE: BBNC Draft Response
Attachments: 4-11-2019 BBNC Draft Response Signed.pdf; 4-11-2019 BBNC Draft Response Signed.docx; 4-11-2019 BBNC Draft Response Clean.docx

Mindy – Let me know if there is anything else that we need to have done, I have attached the following:

1. PDF of signed final copy.
2. Word Doc of signed final copy.
3. Word doc of unsigned final copy (Palmer's edits with Lee's signature block added back to the 2nd page.)

Don Maddox
Office of Wetlands, Oceans & Watersheds
Desk: 202.564.7207
Email: maddox.donald@epa.gov

From: Eisenberg, Mindy
Sent: Wednesday, April 10, 2019 6:43 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Maddox, Donald <Maddox.Donald@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>
Subject: Re: BBNC Draft Response

Thanks for your help!

Don - if you can give me a pdf of John's ok, I can take it from here.

Sent from my iPhone

On Apr 10, 2019, at 6:26 PM, Hough, Palmer <Hough.Palmer@epa.gov> wrote:

> Don/Mindy
>
> I've made the updates. Attached is a redline and clean version. Let me know if you need anything else. Thanks for getting this out.
>
> -Palmer
>
> **From:** Maddox, Donald
> **Sent:** Wednesday, April 10, 2019 4:41 PM
> **To:** Hough, Palmer <Hough.Palmer@epa.gov>
> **Cc:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
> **Subject:** BBNC Draft Response
>
> Palmer – John wanted to see if you could edit the language on the attached Word Doc for his signature with the language that John has marked to be changed on the PDF version that is attached.

AMERICAN OVERSIGHT

Note: This was sent in December but lost in my transition out of the Special Assistant position when I did not get it to Stephanie on her transition in to the position. Long story short it needs to be updated and resubmitted to the IO. Mindy is cc'd as she knows what is happening but did not know that John was going to request additional edits due to the late submission. If you have any other questions then shoot me a note and I will answer what I can or meet with you tomorrow if you are in the office.

You can tell me when you are done and I will be happy to come by and get the edited version.

Thanks,

Don

Don Maddox
Office of Wetlands, Oceans & Watersheds
Desk: 202.564.7207
Email: maddox.donald@epa.gov

<BBNC Draft Response 4-10-19_clean.docx>

<BBNC Draft Response 3-10-19_pfh edits.docx>

AMERICAN OVERSIGHT

Message

From: Maddox, Donald [Maddox.Donald@epa.gov]
Sent: 4/10/2019 8:41:11 PM
To: Hough, Palmer [Hough.Palmer@epa.gov]
CC: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: BBNC Draft Response
Attachments: BBNC Draft Response 3-10-19.docx; image2019-04-10-162630.pdf

Palmer – John wanted to see if you could edit the language on the attached Word Doc for his signature with the language that John has marked to be changed on the PDF version that is attached.

Note: This was sent in December but lost in my transition out of the Special Assistant position when I did not get it to Stephanie on her transition in to the position. Long story short it needs to be updated and resubmitted to the IO. Mindy is cc'd as she knows what is happening but did not know that John was going to request additional edits due to the late submission. If you have any other questions then shoot me a note and I will answer what I can or meet with you tomorrow if you are in the office.

You can tell me when you are done and I will be happy to come by and get the edited version.

Thanks,

Don

Don Maddox
Office of Wetlands, Oceans & Watersheds
Desk: 202.564.7207
Email: maddox.donald@epa.gov

AMERICAN OVERSIGHT

To: Peterson, Erik[Peterson.Erik@epa.gov]
Cc: Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Thur 8/15/2019 6:17:44 PM (UTC)
Subject: Notice of PD withdrawal

Ex. 5 Attorney Client (AC)

Thanks, Heidi

++++++++++++++++

Ex. 5 Attorney Client (AC)

AMERICAN OVERSIGHT

To: Hough, Palmer[Hough.Palmer@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Tue 7/2/2019 3:36:41 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

And, as you know, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Hough, Palmer
Sent: Tuesday, July 02, 2019 8:22 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: Re: Pebble draft 404 and DEIS letters

Ex. 5 Deliberative Process (DP)

Sent from my iPhone
On Jul 2, 2019, at 8:23 AM, Nalven, Heidi <Nalven.Heidi@epa.gov> wrote:

> FYI.
>
> **Heidi Nalven**
> U.S. EPA Office of General Counsel
> 202-564-3189
>
> ---
>
> **From:** Fotouhi, David
> **Sent:** Monday, July 01, 2019 5:36 PM
> **To:** Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
> **Cc:** Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
> **Subject:** RE: Pebble draft 404 and DEIS letters
>
> DELIBERATIVE—DO NOT RELEASE
>
> I have nothing further on the NEPA cover letter. In the 404 cover letter, the end of the first paragraph should read

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

I am reviewing the revised draft enclosures now and send any comments in a separate email shortly.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

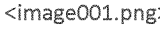
From: Allnutt, David
Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

David and Matt – per your request, I'm transmitting the attached versions of the NEPA and 404 letters (and enclosures) that identify where the letters diverge from the edits we received from you (per the email transmittal below) last Friday.

We have attempted to include in comment bubbles the rationale for diverging from the last versions and your latest edits to those versions. (Where we have accepted your latest edits, we have simply accepted the change in Word, so these accepted edits do not appear as redlined text).

Please let me know if any of the modifications described in these documents present concerns for you.



R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>

AMERICAN OVERSIGHT

Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know.

Ex. 5 Deliberative Process (DP)

I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

AMERICAN OVERSIGHT

Patty

Patty McGrath |**Mining Advisor**
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: Hough, Palmer[Hough.Palmer@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]
Cc: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Tue 6/4/2019 7:17:06 PM (UTC)
Subject: RE: Pebble interim drafts

Thanks Palmer. I was about to recommend the same course of action Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Hough, Palmer
Sent: Tuesday, June 04, 2019 12:04 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Pebble interim drafts

Folks:

FYI – we are revising the 404 Enclosure to reflect the comments and suggestions David F provided last week, to the extent possible.

Ex. 5 Deliberative Process (DP)

-Palmer

From: Palomaki, Ashley
Sent: Tuesday, June 04, 2019 2:07 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: FW: Pebble interim drafts

FYI -

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07

EPIC OVERSIGHT

Seattle, WA 98101
206-553-8582

From: Stern, Allyn
Sent: Tuesday, June 04, 2019 10:44 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Fwd: Pebble interim drafts

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov
Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** June 4, 2019 at 10:41:52 AM PDT
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>
> **Cc:** "Hladick, Christopher" <hladick.christopher@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
> **Subject: RE: Pebble interim drafts**
>
> DELIBERATIVE—DO NOT RELEASE
>
> David:
>
> Thank you for providing these drafts to Matt. As I thought further about the issues we discussed at our meeting with the full team last week Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

> Best,
>
> David
>
> **David Fotouhi**
>
> Principal Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov

AMERICAN OVERSIGHT

From: Allnutt, David
Sent: Monday, June 3, 2019 8:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

Matt – attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.

We had a helpful review session with David Fotouhi late last Thursday. We're currently revising the enclosures to both letters to address David F's recommendations at this meeting regarding: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<< File: PLP 404 Cover Letter_3June2019.docx >> << File: PLP DEIS Cover Letter_3June2019.docx >> << File: PLP 404 Enclosure_22May2019 draft.docx >> << File: PLP DEIS Detailed Comments_22May2019.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

General Counsel Visit to Region 10

Monday, June 10, 2019

7:45 am – 9:30 am:	Meet with local attorneys (Matt, Allyn) Marten Law; 1191 2nd Ave 3220, Seattle, WA 98101
10:00 am – 11:00 am:	All Staff Meeting with Office of Regional Counsel and Water Division Region 10 offices 21st Floor (Denali/Nisqually)
11:15 am – 12:30 pm:	Bristol Bay Policy Briefing Region 10 offices 21st Floor (Tahoma/RA Conference Room)
12:30 pm – 1:15 pm:	Lunch (Matt, Chris, Allyn)
1:15:	Leave for meeting with Pacific Seafood Processors (They are expecting us to arrive between 1:30 – 2:00)
1:45 pm – 4:00 pm:	Meet with Pacific Seafood Processors (Matt, Chris, Allyn) 1900 W. Emerson Pl. #206, Seattle, WA 98119
4:00 pm:	Leave for Seatac airport (6:50 pm departure)

AMERICAN OVERSIGHT

Message

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 4/10/2019 10:25:58 PM
To: Maddox, Donald [Maddox.Donald@epa.gov]
CC: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Bennett, Brittany [bennett.brittany@epa.gov]
Subject: RE: BBNC Draft Response
Attachments: BBNC Draft Response 4-10-19_clean.docx; BBNC Draft Response 3-10-19_pfh edits.docx

Don/Mindy

I've made the updates. Attached is a redline and clean version. Let me know if you need anything else. Thanks for getting this out.

-Palmer

From: Maddox, Donald
Sent: Wednesday, April 10, 2019 4:41 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: BBNC Draft Response

Palmer – John wanted to see if you could edit the language on the attached Word Doc for his signature with the language that John has marked to be changed on the PDF version that is attached.

Note: This was sent in December but lost in my transition out of the Special Assistant position when I did not get it to Stephanie on her transition in to the position. Long story short it needs to be updated and resubmitted to the IO. Mindy is cc'd as she knows what is happening but did not know that John was going to request additional edits due to the late submission. If you have any other questions then shoot me a note and I will answer what I can or meet with you tomorrow if you are in the office.

You can tell me when you are done and I will be happy to come by and get the edited version.

Thanks,

Don

Don Maddox
Office of Wetlands, Oceans & Watersheds
Desk: 202.564.7207
Email: maddox.donald@epa.gov

AMERICAN OVERSIGHT

To: Nalven, Heidi[Nalven.Heidi@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Kaiser, Russell[Kaiser.Russell@epa.gov]
Cc: Bennett, Brittany[bennett.brittany@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Wed 12/19/2018 8:05:58 PM (UTC)
Subject: RE: Review: Pebble Limited Partnership CMS Response

No worries, we have already routed the draft letter to Lee so we did not want to confuse things at this point by pulling it back. But we can make any tweaks David F and Lee suggest next week before we send our comments back to R10. So if you could provide any input David has by 12/26 that would be helpful.

Thanks, Palmer

From: Nalven, Heidi
Sent: Wednesday, December 19, 2018 2:55 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

Thanks Palmer. You raise a fair point. I will send him the prior version and will let you know if he raises any concerns. Thanks!

From: Hough, Palmer
Sent: Wednesday, December 19, 2018 2:53 PM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

Heidi:

Per our phone call, I don't think this change is necessary. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Nalven, Heidi
Sent: Wednesday, December 19, 2018 2:34 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

Hi all - I was about to send this to David Fotouhi (so he has it when Lee is reviewing) but something jumped out at me when I read the latest draft (sorry for not catching it earlier). Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I wasn't sure if you sent this to John yet or if John sent it to Lee yet, but it's probably best for David to see a version with the revised language. We can also sent it to him with the revision if you prefer. Just let me know how you want to handle it.

Sorry again,
Heidi

Heidi Nalven
U.S. EPA Office of General Counsel

AMERICAN OVERSIGHT

202-564-3189

From: Hough, Palmer
Sent: Tuesday, December 18, 2018 6:22 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

Brian

R10 was ok with John's edits. Attached is the revised clean version for John to share with Lee.

-Palmer

From: Frazer, Brian
Sent: Tuesday, December 18, 2018 12:55 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

John has the draft. He will let me know later today if he has any comments.

bf

From: Hough, Palmer
Sent: Tuesday, December 18, 2018 12:46 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Review: Pebble Limited Partnership CMS Response
Importance: High

Brian/Russ

I'm following up on this request for HQ review of the attached draft CMS response from R10 to Pebble. Did you have edits? Has this moved forward to John and Lee yet?

Please advise.

Thanks, Palmer

From: Hough, Palmer
Sent: Friday, December 14, 2018 3:45 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Review: Pebble Limited Partnership CMS Response
Importance: High

Brian/Russ

Attached is a draft response for Chris Hladick to a 12/5/18 letter from Pebble to Wheeler (also attached). Pebble requests we withdraw the PD and explains why it thinks EPA should withdraw it.

R10 is seeking OW input on its proposed response. Please let me and Brittany know if you have any edits and how best to get this in front of Lee as soon as possible. The current due date is 12/21 but R10 has requested an extension to allow time for OW review.

Thanks, Palmer

AMERICAN OVERSIGHT

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Paul Gosar
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Gosar:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

As part of a May 11, 2017, settlement agreement resolving outstanding lawsuits between the EPA and Pebble, the Agency agreed to initiate a process to propose to withdraw the Proposed Determination. In the EPA's July 19, 2017, notice proposing to withdraw the Proposed Determination, the Agency solicited public comment on three reasons to support withdrawal:

- First, to provide Pebble with additional time to submit a Section 404 permit application to the Corps;
- Second, to remove any uncertainty, real or perceived, about Pebble's ability to submit a permit application and have that permit application reviewed; and
- Third, to allow the factual record regarding any forthcoming permit application to develop.

On January 26, 2018, the EPA issued a notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Doug Lamborn
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Lamborn:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

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The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

ED_002890_00072268-00003 Bristol Bay/Pebble Mine 2019 FOIAs_Production011

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable Andy Biggs
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Biggs:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

As part of a May 11, 2017, settlement agreement resolving outstanding lawsuits between the EPA and Pebble, the Agency agreed to initiate a process to propose to withdraw the Proposed Determination. In the EPA's July 19, 2017, notice proposing to withdraw the Proposed Determination, the Agency solicited public comment on three reasons to support withdrawal:

- First, to provide Pebble with additional time to submit a Section 404 permit application to the Corps;
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On January 26, 2018, the EPA issued a notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Rob Bishop
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Bishop:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

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The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable Lamar Smith
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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AMERICAN OVERSIGHT

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Bob Gibbs
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Gibbs:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Scott DesJarlais
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman DesJarlais:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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AMERICAN OVERSIGHT

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Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable David McKInley
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman McKInley:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

As part of a May 11, 2017, settlement agreement resolving outstanding lawsuits between the EPA and Pebble, the Agency agreed to initiate a process to propose to withdraw the Proposed Determination. In the EPA's July 19, 2017, notice proposing to withdraw the Proposed Determination, the Agency solicited public comment on three reasons to support withdrawal:

- First, to provide Pebble with additional time to submit a Section 404 permit application to the Corps;
- Second, to remove any uncertainty, real or perceived, about Pebble's ability to submit a permit application and have that permit application reviewed; and
- Third, to allow the factual record regarding any forthcoming permit application to develop.

On January 26, 2018, the EPA issued a notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable Jeff Duncan
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Duncan:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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AMERICAN OVERSIGHT

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable John J. Duncan
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Duncan:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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AMERICAN OVERSIGHT

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable Randy Weber
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Weber:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

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- First, to provide Pebble with additional time to submit a Section 404 permit application to the Corps;
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The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable Alex Mooney
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Mooney:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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AMERICAN OVERSIGHT

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Scott Perry
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Perry:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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AMERICAN OVERSIGHT

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Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Ted Yoho
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Yoho:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Mark Amodei
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Amodei:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

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- Third, to allow the factual record regarding any forthcoming permit application to develop.

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The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

ED_002890_00072268-00029 Bristol Bay/Pebble Mine 2019 FOIAs_Production011

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 26 2018

OFFICE OF WATER

The Honorable Doug LaMalfa
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman LaMalfa:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

As part of a May 11, 2017, settlement agreement resolving outstanding lawsuits between the EPA and Pebble, the Agency agreed to initiate a process to propose to withdraw the Proposed Determination. In the EPA's July 19, 2017, notice proposing to withdraw the Proposed Determination, the Agency solicited public comment on three reasons to support withdrawal:

- First, to provide Pebble with additional time to submit a Section 404 permit application to the Corps;
- Second, to remove any uncertainty, real or perceived, about Pebble's ability to submit a permit application and have that permit application reviewed; and
- Third, to allow the factual record regarding any forthcoming permit application to develop.

On January 26, 2018, the EPA issued a notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Brian Babin
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Babin:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

As part of a May 11, 2017, settlement agreement resolving outstanding lawsuits between the EPA and Pebble, the Agency agreed to initiate a process to propose to withdraw the Proposed Determination. In the EPA's July 19, 2017, notice proposing to withdraw the Proposed Determination, the Agency solicited public comment on three reasons to support withdrawal:

- First, to provide Pebble with additional time to submit a Section 404 permit application to the Corps;
- Second, to remove any uncertainty, real or perceived, about Pebble's ability to submit a permit application and have that permit application reviewed; and
- Third, to allow the factual record regarding any forthcoming permit application to develop.

On January 26, 2018, the EPA issued a notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 2 6 2018

OFFICE OF WATER

The Honorable Roger Marshall
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Marshall:

Thank you for your May 3, 2018, letter to the U.S. Environmental Protection Agency (EPA) regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your letter references both the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit and the review process for Pebble Limited Partnership's (Pebble) December 2017 section 404 permit application to the U.S. Army Corps of Engineers (Corps) to develop a mine at the deposit site.

Your letter requesting that EPA withdraw the Agency's Proposed Determination indicates that a withdrawal could address certain uncertainties that the Proposed Determination may have created for the review of Pebble's section 404 permit application by the Corps. Your letter also requests that the EPA wait until the completion of the National Environmental Policy Act (NEPA) review process "before deciding whether or not to let the Pebble Limited Partnership mining project proceed."

As part of a May 11, 2017, settlement agreement resolving outstanding lawsuits between the EPA and Pebble, the Agency agreed to initiate a process to propose to withdraw the Proposed Determination. In the EPA's July 19, 2017, notice proposing to withdraw the Proposed Determination, the Agency solicited public comment on three reasons to support withdrawal:

- First, to provide Pebble with additional time to submit a Section 404 permit application to the Corps;
- Second, to remove any uncertainty, real or perceived, about Pebble's ability to submit a permit application and have that permit application reviewed; and
- Third, to allow the factual record regarding any forthcoming permit application to develop.

On January 26, 2018, the EPA issued a notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has initiated the NEPA process and begun development of an Environmental Impact Statement (EIS) for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

AMERICAN OVERSIGHT

The EPA is fully aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. Neither the January 2018 decision nor the previous settlement agreement guarantees or prejudges a particular outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of the May 2017 settlement agreement, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to both the rule of law fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Since your letter, the EPA has taken additional action which may address some concerns you identified with the section 404(c) process. A June 2018 Memorandum directs the EPA's Office of Water to develop proposed revisions to the Agency's section 404(c) regulations including eliminating use of section 404(c) before a section 404 permit application has been submitted to the Corps. The EPA is now considering next steps, in accordance with this Memorandum, to ensure that the Agency is exercising its authority consistent with the principles of due process and in a manner which provides certainty to the regulated community.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denis Borum of the EPA's Office of Congressional and Intergovernmental Relations at Borum.Denis@epa.gov or (202) 564-4836.

Sincerely,

D. Lee Forsgren

D. Lee Forsgren
Deputy Assistant Administrator

Cc: Chris Hladick, Regional Administrator, EPA Region 10

AMERICAN OVERSIGHT

To: McGrath, Patricia[mcgrath.patricia@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Thur 6/13/2019 1:54:20 PM (UTC)
Subject: FW: Pebble interim drafts

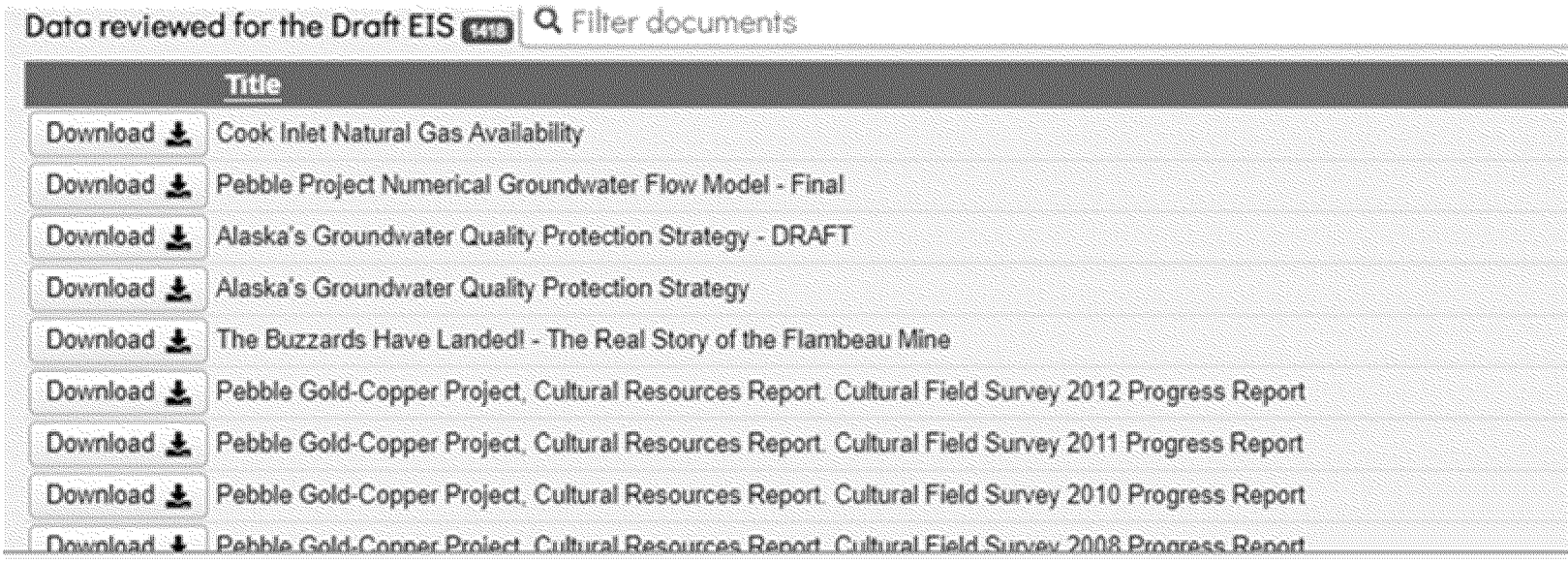
FYI

From: Goodin, John
Sent: Thursday, June 13, 2019 9:15 AM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Cc: Tomiak, Robert <tomiak.robert@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: FW: Pebble interim drafts

See below. Adding Rob.

From: Fotouhi, David
Sent: Thursday, June 13, 2019 8:58 AM
To: Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

I noticed the Corps recently uploaded additional record documents "reviewed for the draft EIS" to its public-facing website. Has the team started to review these? Thanks!



David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Friday, June 7, 2019 2:17 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

AMERICAN OVERSIGHT

Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

Matt - attached are yet more refined (and hopefully improved) drafts of the DEIS and 404 comment cover letters and enclosures, together with some other materials for you to review on your flight to Seattle on Sunday.

The **cover letters** differ from the June 3 drafts that were shared with leadership on Monday in that they now contain text that would effectuate alternative policy options for the letters: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The **enclosures** to both letters have been significantly revised from the May 22 drafts attached to my last email to you. These changes are intended to reflect very helpful input we received from David Fotouhi over the past week on these documents regarding: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Also attached to this message is an updated **schedule**. The updates are intended to identify where milestones have passed (in green text) and to reflect direction we received from David earlier this week on when political leadership can expect the next draft of the letters (now June 21, assuming that comments on today's drafts are received no later than June 19).

Finally, I have attached a very brief **purpose statement and proposed agenda** for our meeting on Monday. The team is meeting this afternoon and may have additional materials to share on Monday.

I look forward to seeing you in Seattle on Monday. Please let me know if you have any questions.

<< File: PLP 404 Cover Letter_7June2019.docx >> << File: PLP 404 Enclosure_7June2019.docx >> << File: PLP DEIS NEPA Cover Letter_7June2019.docx >> << File: PLP DEIS Enclosure_7June2019 draft.docx >> << File: Pebble DEIS + 404 letter prep and meeting schedule_20190606.xlsx >> << File: June 10 Briefing Agenda.docx >>

<< OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Monday, June 03, 2019 5:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

Matt - attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.

AMERICAN OVERSIGHT

We had a helpful review session with David Fotouhi late last Thursday. We're currently revising the enclosures to both letters to address David F's recommendations at this meeting regarding: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<< File: PLP 404 Cover Letter_3June2019.docx >> << File: PLP DEIS Cover Letter_3June2019.docx >> << File: PLP 404 Enclosure_22May2019 draft.docx >> << File: PLP DEIS Detailed Comments_22May2019.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt - Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10

AMERICAN OVERSIGHT

1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Sat 6/29/2019 9:56:21 PM (UTC)
Subject: Fwd: Pebble draft 404 and DEIS letters

I made the minor edit to the 404 alternatives section caught by Tom below

Sent from my iPhone

Begin forwarded message:

From: "Marshall, Tom" <marshall.tom@epa.gov>
Date: June 29, 2019 at 4:33:29 PM EDT
To: "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Hoppe, Allison" <hoppe.allison@epa.gov>, "Hough, Palmer" <Hough.Palmer@epa.gov>
Cc: "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Schwab, Justin" <Schwab.Justin@epa.gov>
Subject: Re: Pebble draft 404 and DEIS letters

One minor sense edit to p. 11 of the NEPA enclosure, first full para. The relevant sentence currently reads:

Ex. 5 Deliberative Process (DP)

Thanks.

From: Neugeboren, Steven
Sent: Friday, June 28, 2019 5:34 PM
To: Marshall, Tom; Hoppe, Allison; Hough, Palmer
Cc: Nalven, Heidi; Wehling, Carrie; Fotouhi, David
Subject: FW: Pebble draft 404 and DEIS letters

AMERICAN OVERSIGHT

Thanks David. To facilitate distribution/review given timing, forwarding to CCILO and Palmer

Steve Neugeboren

Associate General Counsel for Water

U.S. EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

202 (564-5488)

From: Fotouhi, David
Sent: Friday, June 28, 2019 5:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

AMERICAN OVERSIGHT

David

David Fotouhi

Principal Deputy General Counsel

Office of General Counsel

U.S. Environmental Protection Agency

Tel: +1 202.564.1976

fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

AMERICAN OVERSIGHT

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath |Mining Advisor

U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Seattle, WA 98101

M/S: 14-D12

Office: (206) 553-6113

Cell: Ex. 6 Personal Privacy (PP)

mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Thompson, Ryan[thompsonr@akingump.com]
Sent: Tue 2/6/2018 3:41:52 PM (UTC)
Subject: Pebble Call

Ryan,

Would you be available today, tomorrow or Thursday after 10 AM for a call with Tom Collier, the CEO of The Pebble Partnership? Tom is in Alaska and four hours behind DC, so anytime 10 AM (EST) or later on the above dates would work.

Thanks in advance,

Ryan

Ryan Day Thompson
AKIN GUMP STRAUSS HAUER & FELD LLP
1333 New Hampshire Avenue, N.W. | Washington, DC 20036-1564 | USA | Direct: +1 202.887.4000 | Internal: 24000
Fax: +1 202.887.4288 | thompsonr@akingump.com | akingump.com | Bio

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

AMERICAN OVERSIGHT

To: Barnhart, Megan[barnhart.megan@epa.gov]; Hoppe, Allison[hoppe.allison@epa.gov]; Marshall, Tom[marshall.tom@epa.gov]
Cc: Tomiak, Robert[tomiak.robert@epa.gov]
From: Schaedle, Candi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FEBC2931E9244C69317D7DEDA5AAD80-CSCHAE02]
Sent: Tue 6/4/2019 7:33:10 PM (UTC)
Subject: FW: Pebble interim drafts
Picture (Device Independent Bitmap) 1.jpg
ATT00001.htm
PLP 404 Cover Letter_3June2019.docx
ATT00002.htm
PLP 404 Enclosure_22May2019 draft.docx
ATT00003.htm
PLP DEIS Detailed Comments_22May2019.docx
ATT00004.htm
PLP DEIS Cover Letter_3June2019.docx
ATT00005.htm

FYI – It appears that HQ comments and edits have yet to be incorporated into the detailed comments as indicated below

---

From: Tomiak, Robert
Sent: Tuesday, June 04, 2019 9:05 AM
To: Schaedle, Candi <Schaedle.Candi@epa.gov>
Subject: Fwd: Pebble interim drafts

FYI

Thanks, Rob
Begin forwarded message:

> **From:** "Allnutt, David" <Allnutt.David@epa.gov>
> **Date:** June 3, 2019 at 6:51:19 PM CST
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Cc:** "Fotouhi, David" <Fotouhi.David@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
> **Subject: RE: Pebble interim drafts**
>
> Matt – attached please find more complete drafts of the DEIS and 404 comment cover letters and enclosures. The Word documents entitled "PLP 404 Cover Letter_3June2019" and "PLP DEIS Cover Letter_3June2019" are ready for your review and discussion at next week's check-in meeting in Seattle.
>
> We had a helpful review session with David Fotouhi late last Thursday. We're currently revising the enclosures to both letters to address David F's recommendations at this meeting regarding **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)



AMERICAN OVERSIGHT

To: Allnutt, David[Allnutt.David@epa.gov]
Cc: Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Hoppe, Allison[hoppe.allison@epa.gov]; Marshall, Tom[marshall.tom@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Fri 6/7/2019 6:22:55 PM (UTC)
Subject: Re: Pebble interim drafts
ATT00993.jpg
ATT04304.jpg

Ok. We will add them. Meeting with Matt now. Thanks.

Sent from my iPhone

On Jun 7, 2019, at 2:20 PM, Allnutt, David <Allnutt.David@epa.gov> wrote:

> All – FYI.
>
> OGC – if it is not too late to get printouts into Matt's briefing binder, that would be much appreciated.

<Picture (Device Independent Bitmap) 1.jpg>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, June 07, 2019 11:17 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

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Ex. 5 Deliberative Process (DP)

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AMERICAN OVERSIGHT

are intended to reflect very helpful input we received from David Fotouhi over the past week on these documents regarding: Ex. 5 Deliberative Process (DP)

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Also attached to this message is an updated **schedule**. The updates are intended to identify where milestones have passed (in green text) and to reflect direction we received from David earlier this week on when political leadership can expect the next draft of the letters (now June 21, assuming that comments on today's drafts are received no later than June 19).

Finally, I have attached a very brief **purpose statement and proposed agenda** for our meeting on Monday. The team is meeting this afternoon and may have additional materials to share on Monday.

I look forward to seeing you in Seattle on Monday. Please let me know if you have any questions.

<Picture (Device Independent Bitmap) 2.jpg>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Monday, June 03, 2019 5:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

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Ex. 5 Deliberative Process (DP)

<< File: PLP 404 Cover Letter_3June2019.docx >> << File: PLP DEIS Cover Letter_3June2019.docx >> << File: PLP 404 Enclosure_22May2019 draft.docx >> << File: PLP DEIS Detailed Comments_22May2019.docx >>

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Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
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<PLP 404 Enclosure_7June2019.docx>

<Pebble DEIS + 404 letter prep and meeting schedule_20190606.xlsx>

AMERICAN OVERSIGHT

<PLP DEIS Enclosure_7June2019 draft.docx>

<June 10 Briefing Agenda.docx>

<PLP DEIS NEPA Cover Letter_7June2019.docx>

<PLP 404 Cover Letter_7June2019.docx>

AMERICAN OVERSIGHT

To: Jefferson, Tricia[Jefferson.Tricia@epa.gov]
From: Marshall, Tom[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5D29134E5E32489B9AB0AEB262F55075-TMARSHAL]
Sent: Tue 6/4/2019 8:43:39 PM (UTC)
Subject: Not pressing FYI: FW: Pebble interim drafts

(David weighed in, Ex. 5 Deliberative Process (DP) And Matt for a schedule change, calling for final editing done by 6/21 [the letter's due 7/1]. Happy to discuss.)

From: Hough, Palmer
Sent: Tuesday, June 04, 2019 12:04 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>
Cc: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Subject: RE: Pebble interim drafts

Folks:

FYI – we are revising the 404 Enclosure to reflect the comments and suggestions David F provided last week, to the extent possible.

Ex. 5 Deliberative Process (DP)

-Palmer

Begin forwarded message:

> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** June 4, 2019 at 10:41:52 AM PDT
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>
> **Cc:** "Hladick, Christopher" <hladick.christopher@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
> **Subject: RE: Pebble interim drafts**
>
> DELIBERATIVE—DO NOT RELEASE
>
> David:
>
> Thank you for providing these drafts to Matt. As I thought further about the issues we discussed at our meeting with the full team last week, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, June 3, 2019 8:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Pebble interim drafts

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R. David Allnutt, Director
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1200 Sixth Avenue, Suite 155, 14-D12
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From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>

AMERICAN OVERSIGHT

Subject: Pebble interim drafts

Matt – Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

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Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

Appointment

From: Craig, Bill [bill.m.craig@aecom.com]
Sent: 12/7/2018 6:48:45 PM
To: 'jamesfueg@pebblepartnership.com' [jamesfueg@pebblepartnership.com]; POA Special Projects (poaspecialprojects@usace.army.mil) [poaspecialprojects@usace.army.mil]; Moselle, Kyle W (DNR) (kyle.moselle@alaska.gov) [kyle.moselle@alaska.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Wright, Cara [cara.wright@aecom.com]; Darigo, Nancy [nancy.darigo@aecom.com]

Subject: Pebble EIS: Water Focused Technical Meeting
Location: AECOM (700 G Street, Suite 500) and WebEx

Start: 12/14/2018 6:00:00 PM
End: 12/14/2018 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

AMERICAN OVERSIGHT

To: Stern, Allyn[Stern.Allyn@epa.gov]
Cc: McGrath, Patricia[mcgrath.patricia@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Thur 6/13/2019 2:37:52 PM (UTC)
Subject: Re: Pebble interim drafts

Patty and team are aware of docs. I'll send a message to David H.

Sent from my iPhone

On Jun 13, 2019, at 5:46 AM, Stern, Allyn <Stern.Allyn@epa.gov> wrote:

> Patty - David F. asked about review of additional Corps records - are you familiar with these?
>
> Allyn Stern
> Regional Counsel
> US EPA Region 10
> 206-553-1223
> stern.allyn@epa.gov
>
> Begin forwarded message:
>
> **From:** "Fotouhi, David" <Fotouhi.David@epa.gov>
> **Date:** June 13, 2019 at 5:57:58 AM PDT
> **To:** "Allnutt, David" <Allnutt.David@epa.gov>, "Stern, Allyn" <Stern.Allyn@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>
> **Subject: RE: Pebble interim drafts**
>
> I noticed the Corps recently uploaded additional record documents "reviewed for the draft EIS" to its public-facing website. Has the team started to review these? Thanks!
>
> <Picture (Device Independent Bitmap) 1.jpg>
>
> **David Fotouhi**
>
> Principal Deputy General Counsel
> Office of General Counsel
> U.S. Environmental Protection Agency
> Tel: +1 202.564.1976
> fotouhi.david@epa.gov
>
> ---
>
> **From:** Allnutt, David
> **Sent:** Friday, June 7, 2019 2:17 PM
> **To:** Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
> **Cc:** Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
> **Subject:** RE: Pebble interim drafts
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AMERICAN OVERSIGHT

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R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Monday, June 03, 2019 5:51 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <fotouhi.david@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
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Seattle, Washington 98101-3123
(206) 553-2581

From: Allnutt, David
Sent: Friday, May 10, 2019 5:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
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U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

AMERICAN OVERSIGHT

Appointment

From: Craig, Bill [bill.m.craig@aecom.com]
Sent: 12/11/2018 9:14:54 PM
To: jamesfueg@pebblepartnership.com; POA Special Projects [poaspecialprojects@usace.army.mil]; Moselle, Kyle W (DNR) [kyle.moselle@alaska.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Wright, Cara [cara.wright@aecom.com]; Darigo, Nancy [nancy.darigo@aecom.com]
CC: Stephen Hodgson [stephenhodgson@pebblepartnership.com]; Larquier, Ann M (DFG) [ann.larquier@alaska.gov]; Rod Smith [rod@smithwms.com]; Bella, Elizabeth [elizabeth.bella@aecom.com]

Subject: Pebble EIS: Water Focused Technical Meeting
Location: AECOM (700 G Street, Suite 500) and WebEx

Start: 12/17/2018 6:00:00 PM
End: 12/17/2018 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

AMERICAN OVERSIGHT

Appointment

From: Craig, Bill [bill.m.craig@aecom.com]
Sent: 12/7/2018 6:49:11 PM
To: Craig, Bill [bill.m.craig@aecom.com]; 'jamesfueg@pebblepartnership.com' [jamesfueg@pebblepartnership.com]; POA Special Projects (poaspecialprojects@usace.army.mil) [poaspecialprojects@usace.army.mil]; Moselle, Kyle W (DNR) (kyle.moselle@alaska.gov) [kyle.moselle@alaska.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Wright, Cara [cara.wright@aecom.com]; Darigo, Nancy [nancy.darigo@aecom.com]
CC: Stephen Hodgson [stephenhodgson@pebblepartnership.com]; Larquier, Ann M (DFG) [ann.larquier@alaska.gov]; Rod Smith [rod@smithwms.com]; Bella, Elizabeth [elizabeth.bella@aecom.com]

Subject: Pebble EIS: Water Focused Technical Meeting
Location: AECOM (700 G Street, Suite 500) and WebEx

Start: 12/17/2018 6:00:00 PM
End: 12/17/2018 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/13/2019 5:41:44 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]

Subject: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
End: 6/17/2019 10:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

To: McGrath, Patricia[mcgrath.patricia@epa.gov]
From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: Sat 6/29/2019 12:04:38 AM (UTC)
Subject: Automatic reply: Pebble draft 404 and DEIS letters

Thank you for your message; I am out of the office with intermittent access to email until Monday, July 8. I will respond to your message as soon as I am able to do so. For assistance, please contact Monique Patrick at 202-564-5534.

AMERICAN OVERSIGHT

To: McGrath, Patricia[mcgrath.patricia@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 6/25/2019 3:49:01 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

Patty – just to clarify, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: McGrath, Patricia
Sent: Tuesday, June 25, 2019 11:25 AM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Ex. 5 Deliberative Process (DP)

From: Hough, Palmer
Sent: Tuesday, June 25, 2019 6:36 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Ex. 5 Deliberative Process (DP)

Patty – Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Palomaki, Ashley
Sent: Monday, June 24, 2019 9:21 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>
Cc: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Hi Patty –

Adding Palmer.

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: McGrath, Patricia
Sent: Monday, June 24, 2019 1:35 PM
To: Szerlog, Michael <Szerlog.Michael@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

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Ex. 5 Deliberative Process (DP)

From: Szerlog, Michael
Sent: Monday, June 24, 2019 1:13 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

All,

Ex. 5 Deliberative Process (DP)

Thanks

Michael J. Szerlog, Manager
Wetlands & Oceans Section
Standards, Assessment & Watershed Management Branch, Water Division
Environmental Protection Agency
1200 Sixth Avenue, Suite 155, Mailstop 14-D12
Seattle, Washington 98101
(206) 553-0279, szerlog.michael@epa.gov

Region 10 strives to be a fragrance-free workplace. In an effort to improve indoor air quality for our colleagues, please refrain from using perfume, cologne, essential oils, scented after-shave, lotion and other fragrant personal care products. Thank you.

From: Allnutt, David
Sent: Monday, June 24, 2019 12:58 PM
To: Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123

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(206) 553-2581

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Appointment

From: Craig, Bill [bill.m.craig@aecom.com]
Sent: 12/7/2018 6:49:11 PM
To: Craig, Bill [bill.m.craig@aecom.com]; 'jamesfueg@pebblepartnership.com' [jamesfueg@pebblepartnership.com]; POA Special Projects (poaspecialprojects@usace.army.mil) [poaspecialprojects@usace.army.mil]; Moselle, Kyle W (DNR) (kyle.moselle@alaska.gov) [kyle.moselle@alaska.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Wright, Cara [cara.wright@aecom.com]; Darigo, Nancy [nancy.darigo@aecom.com]
CC: Stephen Hodgson [stephenhodgson@pebblepartnership.com]; Larquier, Ann M (DFG) [ann.larquier@alaska.gov]; Rod Smith [rod@smithwms.com]; Bella, Elizabeth [elizabeth.bella@aecom.com]

Subject: Pebble EIS: Water Focused Technical Meeting
Location: AECOM (700 G Street, Suite 500) and WebEx

Start: 12/17/2018 6:00:00 PM
End: 12/17/2018 8:00:00 PM
Show Time As: Busy

Recurrence: (none)

Agenda to be developed and shared shortly. Agency leads - please forward to your specialists. Thanks

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Appointment

From: Craig, Bill [bill.m.craig@aecom.com]
Sent: 12/11/2018 9:14:54 PM
To: jamesfueg@pebblepartnership.com; POA Special Projects [poaspecialprojects@usace.army.mil]; Moselle, Kyle W (DNR) [kyle.moselle@alaska.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Wright, Cara [cara.wright@aecom.com]; Darigo, Nancy [nancy.darigo@aecom.com]
CC: Stephen Hodgson [stephenhodgson@pebblepartnership.com]; Larquier, Ann M (DFG) [ann.larquier@alaska.gov]; Rod Smith [rod@smithwms.com]; Bella, Elizabeth [elizabeth.bella@aecom.com]

Subject: Pebble EIS: Water Focused Technical Meeting
Location: AECOM (700 G Street, Suite 500) and WebEx

Start: 12/17/2018 6:00:00 PM
End: 12/17/2018 8:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Agenda to be developed and shared shortly. Agency leads - please forward to your specialists. Thanks

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To: 'poaspecialprojects@usace.army.mil'[poaspecialprojects@usace.army.mil]; Craig, Bill[bill.m.craig@aecom.com]; Urlich, Cecil[cecil.urlich@aecom.com]; Darigo, Nancy[nancy.darigo@aecom.com]; Bella, Elizabeth[elizabeth.bella@aecom.com]; 'jamesfueg@pebblepartnership.com'[jamesfueg@pebblepartnership.com]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Godsey, Cindi[Godsey.Cindi@epa.gov]; Butler, Barbara[Butler.Barbara@epa.gov]; Moselle, Kyle W (DNR) (kyle.moselle@alaska.gov)[kyle.moselle@alaska.gov]; eli.ward@alaska.gov[eli.ward@alaska.gov]; charles.cobb@alaska.gov[charles.cobb@alaska.gov]
Cc: ARPebbleEIS[ARPebbleEIS@aecom.com]
From: Forland, Sasha[sasha.forland@aecom.com]
Sent: Wed 12/5/2018 8:24:12 PM (UTC)
Subject: Pebble EIS: 11/28/18 Alternatives Meeting Notes
November 28 Alternatives Meeting Notes.docx

Attached are the meeting notes for the November 28 Alternatives Meeting.

Kind Regards,
Sasha

Sasha Forland
Senior Environmental Scientist/Permitting Specialist, Alaska Office
D 1-907-267-9539
sasha.forland@aecom.com

AECOM
700 G Street Suite 500, Anchorage, Alaska 99501
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Project Name: Pebble Project EIS

Date: November 28, 2018

Time: 12:30 pm – 2:30 pm

Location: AECOM - 700 G Street Suite 500, Anchorage/Teleconference

Subject: Alternatives Meeting

Agenda:

1. Overview by PLP of proposed Bulk TSF design with permeable embankment and no liner
2. Overview by PLP of Dry Stack option
3. Agency discussion
    a. 35 alternative TSF locations
    b. Dry Stack option
    c. Liner under Bulk TSF
    d. Effluent outfall locations
    e. Throughput scenarios

Meeting Materials:

- No formal meeting materials

Summary of Key Discussion Points:

- EPA provided comments on AECOM's September 2018 RFI 054 Technical Report Review and requested a meeting to discuss outstanding comments on mine area and tailings options for consideration as alternatives (see agenda items).
- PLP discussed their proposed design, stressed that structural integrity (during operations and long term) is their primary focus, and explained how their design meets best available technology (BAT) for the proposed tailings facilities.
- EPA requested that the AECOM memo be revised to address EPAs comments, specifically how PLP's design meets the three Mount Polley recommendations of 1) eliminating surface water from the impoundment, 2) promoting unsaturated conditions in the tailings with drainage provisions, and 3) achieving dilatant conditions throughout the tailings deposit by compaction; and if not, explain why.
- More recent studies than the Mount Polley report were discussed. Relevant reports/letters discussed during the meeting are listed below:
    - Keevil, Norman B. (2015). Letter from the University of British Columbia Institute of Mining to Honorable Bill Bennett, Minister of Energy and Mines, August 2015.
    - Seabridge Gold (2016). Seabridge Gold's Design of KSM Project's Tailing Management Facility Confirmed as Best Available Technology by Leading Engineering Firm, TORONTO, August 2016.
    - Klohn, Crippen Berger (2017), Study of Tailings Management Technologies, report completed for Mine Environmental Neutral Drainage (MEND) Program and sponsored by The Mining Association of Canada (MAC) and MEND, October 2017.
    - Amoah, Nelson (2017), Filtered Tailings & Dry Stack Facility at Karara Kine, Design and Operational Overview, Karara Mining Ltd., presented at Australian Center for Geomechanics (ACG) seminar, April 2017.Technical and economic feasibility of dry stack tailings options was discussed.
- Options for a fully lined bulk TSF and the pros/cons were discussed. Long-term tailings consolidation, issues with internal drains, and comparisons to the Donlin Gold TSF were also discussed in relation to this option.
- AECOM explained how EPA's comments on TSF locations, alternative effluent outfall locations, and additional throughput scenarios are being addressed in Appendix B, Alternatives Development.
- EPA and SOA asked to review a revised version of Appendix B prior to the Draft EIS.
- EPA mentioned that following the discussion, they were more comfortable with eliminating dry stack as an alternative to be considered in detail but continued to advocate for an alternative to provide a liner under the bulk TSF.

Attendees and Affiliation:	
AECOM	Bill Craig, Elizabeth Bella, Nancy Darigo, Sasha Forland (phone), Cecil Urlich (phone)
EPA	Barbara Butler (phone), Cindi Godsey (phone), Patty McGrath (phone), Molly Vaughan
Pebble Limited Partnership	James Fueg, Stephen Hodgson
State of Alaska	Charlie Cobb (phone), Kyle Moselle (phone), Eli Ward
USACE	Katie McCafferty

Action Items:		
Action Item	**Due Date**	**Notes**

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USACE/AECOM	12/14	Revise Appendix B. USACE to determine if it will be circulated for agency review prior to issuance of the Draft EIS.
AECOM	12/7	Revise RFI 054 Technical Report review memo to further bolster points on the feasibility of dry stack tailings
USACE	12/7	Further consider the lined bulk TSF alternative after evaluating recent comments from EPA.

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To: jamesfueg@pebblepartnership.com[jamesfueg@pebblepartnership.com]; POA Special Projects[poaspecialprojects@usace.army.mil]; Moselle, Kyle W (DNR)[kyle.moselle@alaska.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Wright, Cara[cara.wright@aecom.com]; Darigo, Nancy[nancy.darigo@aecom.com]
Cc: Stephen Hodgson[stephenhodgson@pebblepartnership.com]; Larquier, Ann M (DFG)[ann.larquier@alaska.gov]; Rod Smith[rod@smithwms.com]; Bella, Elizabeth[elizabeth.bella@aecom.com]; Godsey, Cindi[Godsey.Cindi@epa.gov]; Jim@arctichydrologicconsultants.com[jim@arctichydrologicconsultants.com]; Maley, Timothy[maley.timothy@epa.gov]; Eckley, Chris[Eckley.Chris@epa.gov]; Dietzmann, James[james.dietzmann@aecom.com]; Delaney, Daniel[daniel.delaney@aecom.com]; Mike Gray[mgray@m-m.net]; Butler, Barbara[Butler.Barbara@epa.gov]; Palmer, Charley (DEC)[charley.palmer@alaska.gov]; Loretta Ford[LorettaFord@hdimining.com]; Henry, Richard[richard.henry@aecom.com]; allan.nakanishi@alaska.gov[allan.nakanishi@alaska.gov]; Jaime Cathcart[jcathcart@knightpiesold.com]; Petrone, Kevin C (DNR)[kevin.petrone@alaska.gov]; Muche, Muluken[Muche.Muluken@epa.gov]
From: Craig, Bill[bill.m.craig@aecom.com]
Sent: Wed 12/19/2018 10:08:04 PM (UTC)
Subject: RE: Pebble EIS: Water Focused Technical Meeting
2018.12.19_Water tech mtg notes.pdf

Thank you everyone for participating in Monday's meeting. Notes are attached.

Bill Craig
D 1-907-261-6703
M [Ex. 6 Personal Privacy (PP)]

-----Original Appointment-----
From: Craig, Bill
Sent: Friday, December 07, 2018 9:47 AM
To: Craig, Bill; jamesfueg@pebblepartnership.com; POA Special Projects; Moselle, Kyle W (DNR); McGrath, Patricia; Vaughan, Molly; Wright, Cara; Darigo, Nancy
Cc: Stephen Hodgson; Larquier, Ann M (DFG); Rod Smith; Bella, Elizabeth; Godsey, Cindi; Jim@arctichydrologicconsultants.com; Maley, Timothy; Eckley, Chris; Dietzmann, James; Delaney, Daniel; Mike Gray; Butler, Barbara; Palmer, Charley (DEC); Loretta Ford; Henry, Richard; Nakanishi, Allan S (DEC); Jaime Cathcart; Petrone, Kevin C (DNR); Muche, Muluken
Subject: Pebble EIS: Water Focused Technical Meeting
When: Monday, December 17, 2018 9:00 AM-11:00 AM (UTC-09:00) Alaska.
Where: AECOM (700 G Street, Suite 500) and WebEx

Agenda to be developed and shared shortly. Agency leads - please forward to your specialists. Thanks

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Project Name: Pebble Project EIS	**Participants:**	
Date: December 17, 2018	**USACE:**	
Time: 9:00 am-11:00 am	Katie McCafferty	x
Subject: Pebble EIS: Water-Focused Technical Meeting		

General Notes:

Meeting agenda was mainly organized by the list of questions provided by EPA in email from EPA through USACE (December 11, 2018, attached):

- Question 1: The SRK geochemical source terms were reviewed and discussed; reference was made to RFI 021a and SRK 2018 report. Discussed whole water conditions and dissolved values; confirmed source terms are based on dissolved. Suspended solids values not carried through the water balance model; does not go through water treatment plants.
- Question 2: Addressed whether input parameters for groundwater and watershed models are specific to west deposit zone or combined with east zone. Source terms cover both for overall geochemical characteristics. Zones are comparable geochemically; using larger data set is a net benefit, along with other mine analogs. PLP will conduct comparison of east and west data to confirm combined data are representative.
- Question 3: Discussed HCT, kinetic tests, and barrel tests. How these test results are used in the groundwater and watershed models is addressed in the SRK 2018 report (RFI 021a). HCT and barrel test results were used: barrel tests for determining general geochemistry; HCT for solubility rates. S. Day described translation of data to field conditions and time period/temperature assumptions in SRK 2018 report. SRK reference not included in Chapter 9.
- Question 4: Discussed that fugitive dust is not included in water quality model; dust to surface water analysis was done separately within AECOM.
- Question 5: Discussed 76-year climate model and how it was developed from Iliamna airport data since 1940. Model outputs compared to USGS gages and found to be very consistent. Discussed use of 95 percentile data in source terms, a conservative approach. Discussed the potential need and process for sensitivity and uncertainty analyses of models; what are top 5 most sensitive parameters in model; probably driven by mill output. State needs better copy of EBD Chapter 8 model appendices- letters missing due to security setting; PLP to provide.
- Question 6: Discussed generally how models were selected and developed, models used to for analysis of the study areas, including limitations and assumptions and how these models work together. Knight Piésold (KP) (J. Cathcart) presentation (attached) highlighted how model modules interact and their capabilities. Model calibrations and assumptions, such as temperature and precipitation were discussed. Calibrations reported in EBD go up to 2008; now have measurements to 2013. Watershed module developed from whitesheet, not publically available engine; used successfully on other projects. KP is not expecting major climate change trend in 20-yr mine life; looked at effect of more rain and less snow; would even out hydrographs a little compared to historical swings incorporated into model now; confident that current model captures that range. The merits and confidence in the models were discussed. EPA wants discussion of how models were selected, pros and cons; referred to their technical guidance and Haile Gold Mine EIS. PLP to provide summary.
- Question 7: Areal extent of water balance model was discussed – not limited to mine site; covers about 300 sq mi.
- Question 8: The open pit block model was discussed; previously requested by AECOM. The block model was not used in developing source terms or water quality model and PLP does not intend to use it. Discussed need for better understanding of % of rock types that went into source terms; AECOM to further discuss need for RFI internally.
- Question 9: Discussed monitoring and adaptive management requirements and model updates that would be part of ADEC permitting; state permitting track is separate from EIS track and hasn't started yet. Discussed potential need and practicality for PLP to establish a preliminary adaptive management, monitoring, and mitigation plan to be ready for when the draft EIS is published. Some were in mitigation measures spreadsheet previously submitted by PLP.

Attachment 1: EPA Questions to USACE, December 11, 2018
Attachment 2: KP Model Overview Presentation

PLP:	
James Fueg	x
Stephen Hodgson	x
Stephen Day (SRK/phone)	x
Rod Smith (Knight Piésold [KP]/phone)	x
Loretta Ford (phone)	x
Alana Shewan (KP/phone)	x
Jaimie Cathcart (KP/phone)	x
AECOM	
Bill Craig	x
Dan Delaney	x
Nancy Darigo	x
Cara Wright	x
Richard Henry (phone)	x
Mike Gray (Morrison Maierle/phone)	x
James Dietzmann (phone)	x
Jim Aldrich (phone)	x
Other:	
Kyle Moselle (ADNR/phone)	x
Patricia McGrath (EPA/phone)	x
Molly Vaughan (EPA)	x
Ann Marie Larquier (ADF&G Sport Fisheries)	x
Chris Eckley (EPA/phone)	x
Cindi Godsey (EPA/phone)	x
Tim Maley (EPA/phone)	x
Muluken Muche (EPA/phone)	x
Allan Nakanishi (ADEC-Wastewater Program)	x
Chris Miller (ADEC-Drinking Water Program/phone)	x
Kevin Petrone (ADNR/phone)	x
Charlie Palmer (ADEC-Drinking Water Program)	x

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Action Item	Due Date	Notes
USACE		
None		
AECOM		
Model Descriptions in EIS	1/8/18	A description of models used, why selected, limitations, and sensitivity will be included in the EIS, as applicable, based on action item by PLP for model summaries (below).
References	1/8/18	Update reference section in EIS to include SRK 2018 report, RFI 021 series.
Geochemistry/ Rock Type RFI	12/19/18	Submit RFI requesting additional information on % of rock types contributing to source terms.
PLP		
East vs. West Data	12/28/18	Perform high-level analysis comparing data from Pebble East and West zones, identify significant differences, and confirm that combined east and west data is representative and should not be modeled separately.
Monitoring/Adaptive Management Plan	12/21/18	High-level tentative list of adaptive management, mitigation, and monitoring plan; to be finalized following the NEPA process.
Model Summaries	12/28/18	Provide summary of models used (in table format); including information as to why model selected, model limitations, and confidence in the models.
Sensitivity Analysis	12/28/18	High-level sensitivity analysis on water quality model to rank top 5 parameters and description of primary drivers.
EBD Chapter 8	12/19/18	Provide unlocked version of Chapter 8 appendices pdf with headers intact.

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EPA-19-1101-H-000213
ED_002890_00101975-00002
Bristol Bay/Pebble Mine 2019 FOIAs_Production011

Attachment 1: EPA Questions to USACE, December 11, 2018

1. Watershed Model: Were chemical release rates used in the model based on whole water or dissolved concentrations. Are the model output predictions whole water or dissolved fractions?

2. Groundwater and Watershed Models: Are the inputs parameters used in the modeling specific to the data collected from the west zone or are they combined with data form the east zone?

3. Groundwater and Watershed Models: Additional information is needed to understand the relationship between the HCT results and how these were incorporated into the models. Specifically: what geochemical characterization data were used to develop the source terms? For example, were just the HCT results used, or were barrel test results also incorporated? Furthermore, were release rates from multiple tests averaged or otherwise combined, or were only selected test results used? Were the source terms developed from data over the entire duration of the tests or from a differently defined time period? Were any temperature corrections used when translating lab-based predictions to model predictions of field conditions?

4. Watershed Model: was loading to surface water from soil runoff (specifically as it relates to fugitive dust) included in the water quality calculations?

5. Groundwater and Watershed Models: Was sensitivity and uncertainty analysis performed on the models used to make surface and groundwater quality predictions?

6. Groundwater, Watershed, and Water Balance models: Additional description of the models used is warranted. How were the particular models selected? What are the merits and limitations of the models?

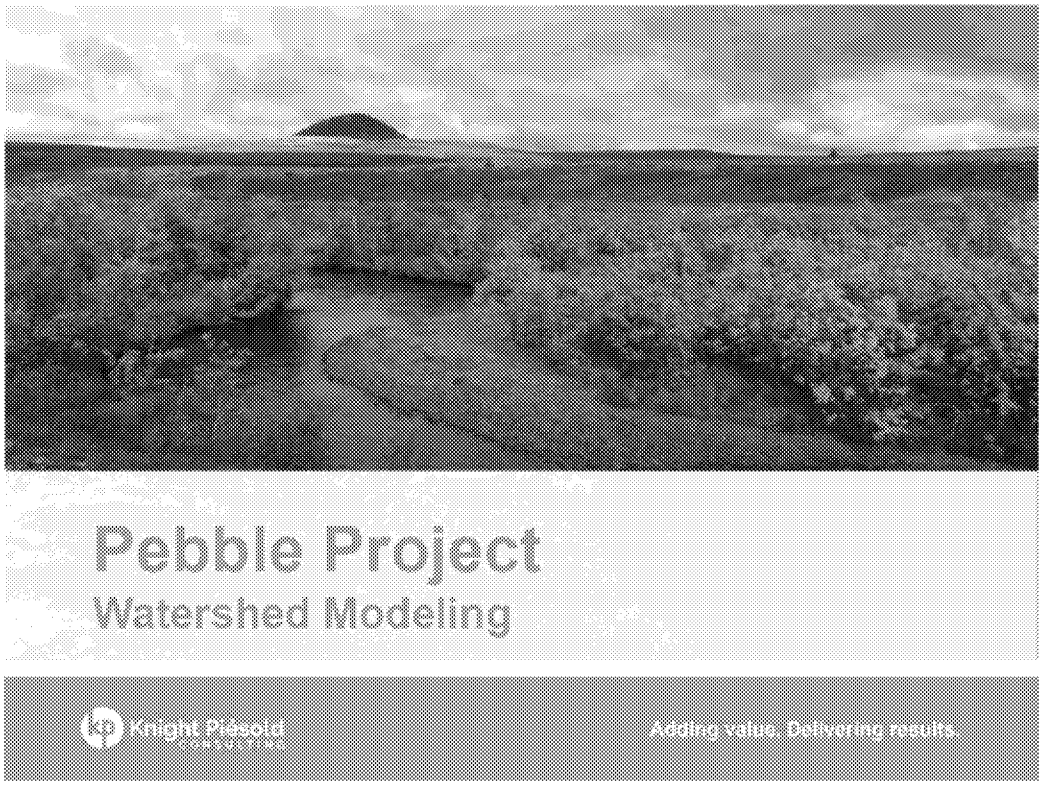
7. Water balance model: The model is limited to the mine site. How could it be used to assess the overall impact of the project on the hydrologic system at the broader watershed level?

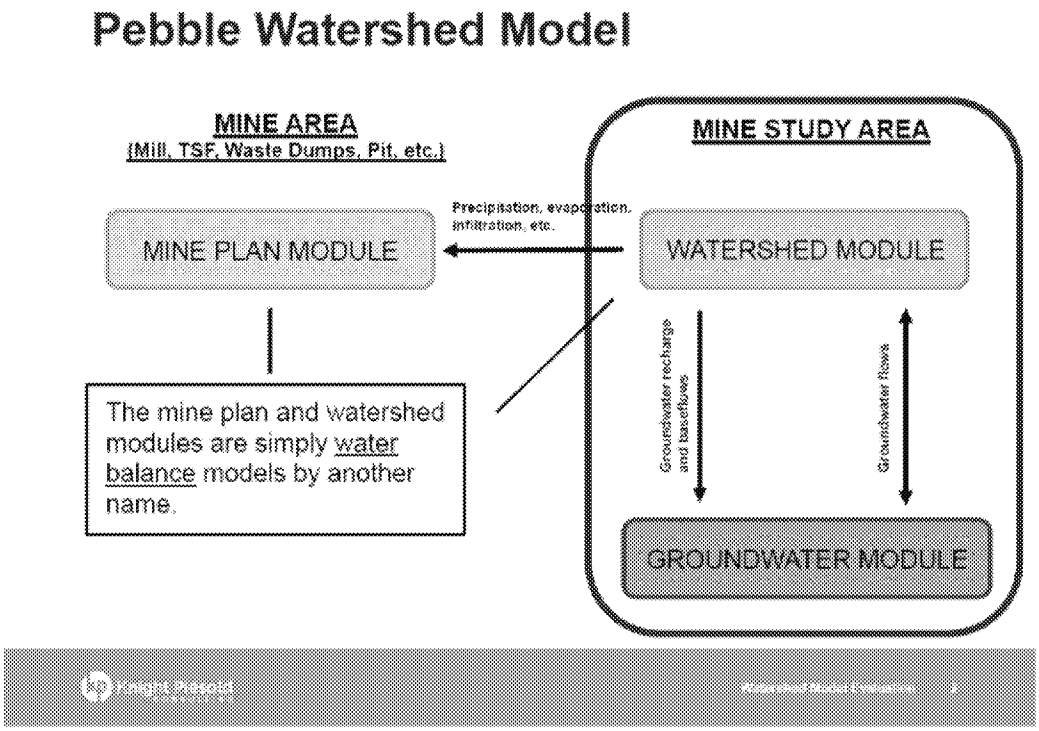
8. Open pit block model: When will this be completed? Will there be an opportunity to review before the draft EIS?

9. Monitoring and adaptive management: What will be monitoring and mitigation strategies during/after project implementation to verify model predictions and mitigate possible environmental consequences?

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EPA-19-1101-H-000214
ED_002890_00101975-00003
Bristol Bay/Pebble Mine 2019 FOIAs_Production011

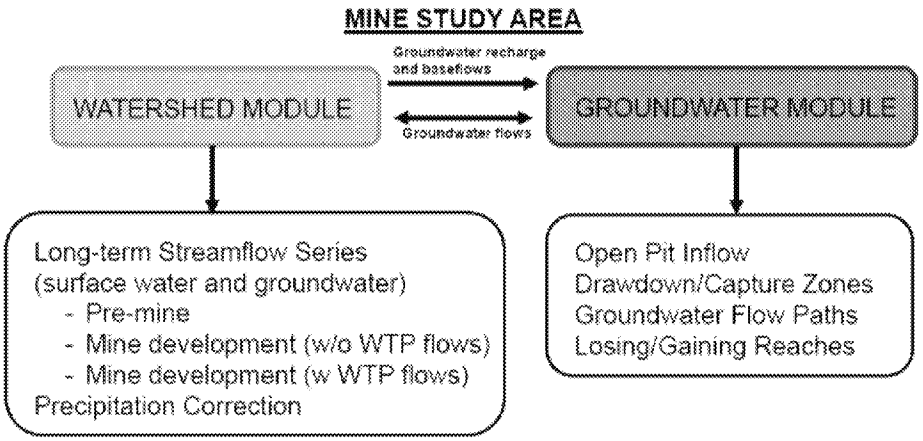
Attachment 2: KP Model Overview Presentation



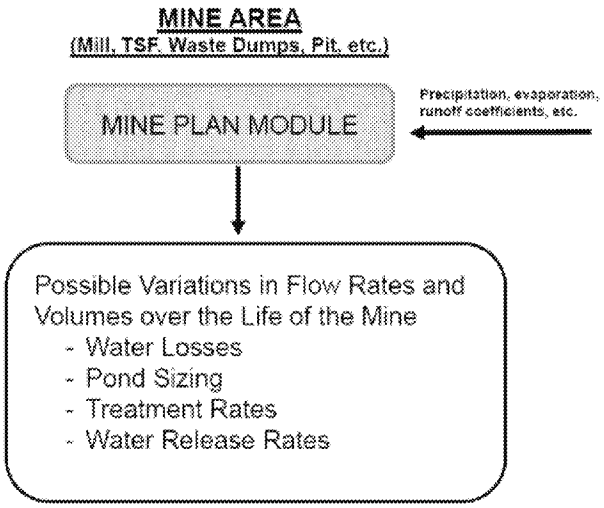


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ED_002890_00101975-00004
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Pebble Watershed Model
A Coupled Modeling Approach



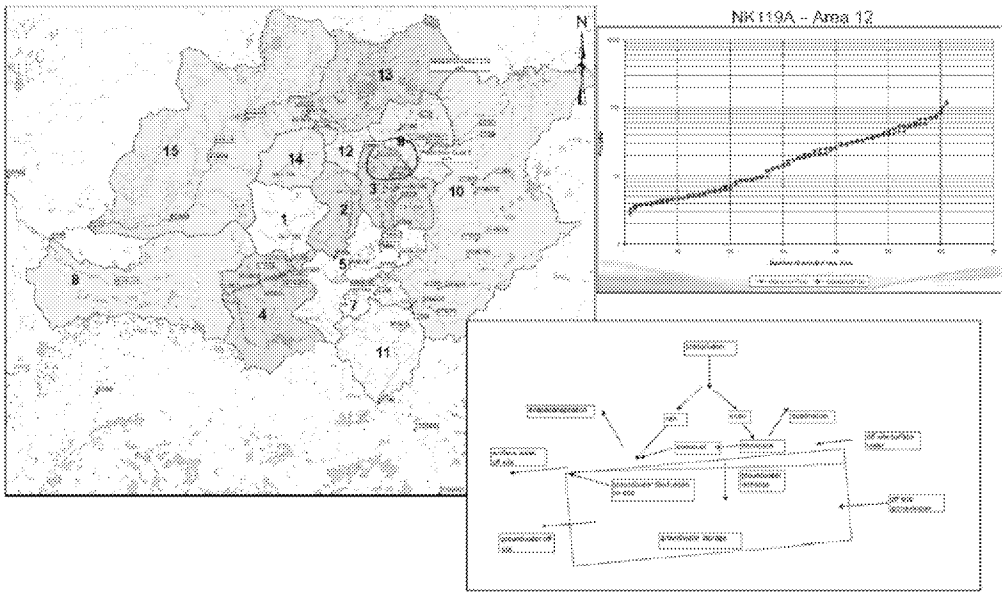
Pebble Watershed Model



Also used for WQ mass balance modeling

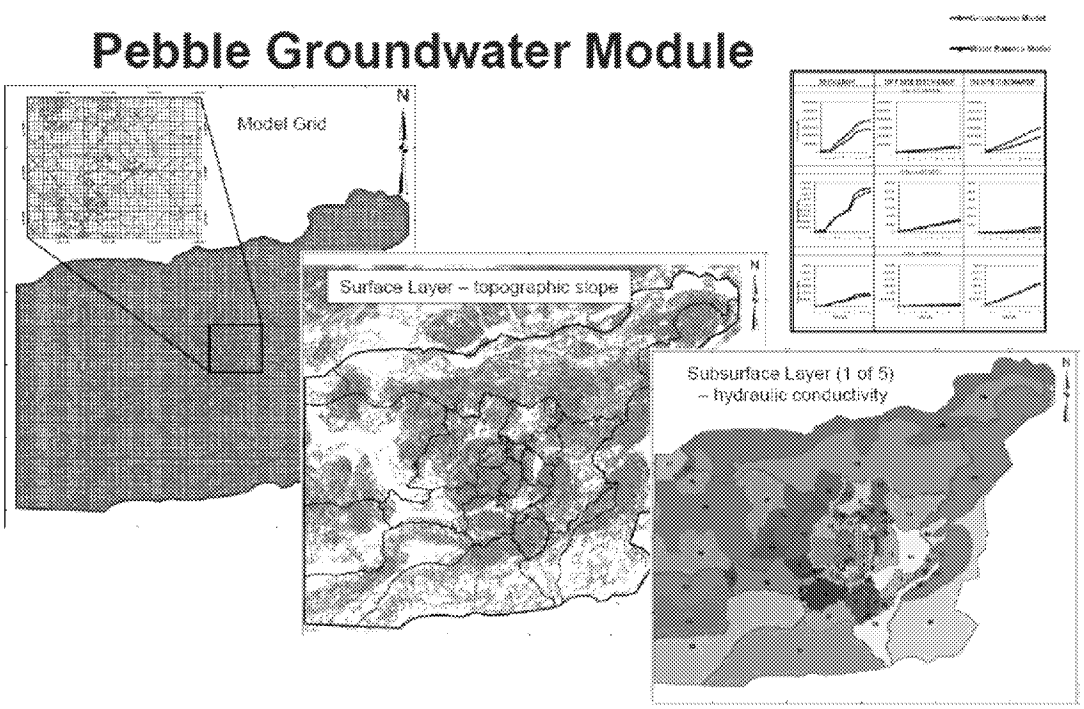
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Pebble Watershed Module



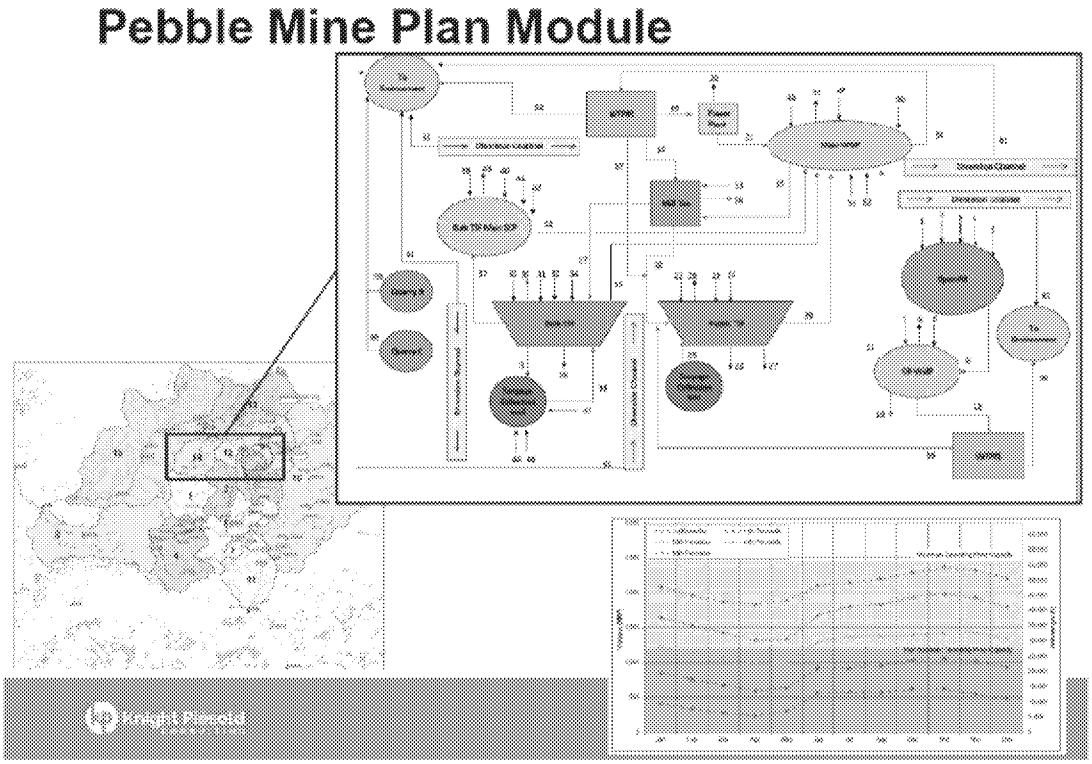
Knight Piésold

Pebble Groundwater Module



Knight Piésold

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EPA-19-1101-H-000218
ED_002890_00101975-00007
Bristol Bay/Pebble Mine 2019 FOIAs_Production011

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/6/2019 7:04:37 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]

Subject: FW: Pebble Project NEPA Briefing **Ex. 6 Personal Privacy (PP)**
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
Show Time As: Tentative

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/6/2019 7:04:37 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]

Subject: FW: Pebble Project NEPA Briefing Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

To: Peterson, Erik[Peterson.Erik@epa.gov]
From: Kaiser, Russell[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=222DA99956D24CA197DC6F8BF4AE1FF5-KAISER, RUSSELL]
Sent: Fri 5/31/2019 5:08:05 PM (UTC)
Subject: FW: Updated Itinerary - Alaska Travel
June 2019 Alaska Travel_M Leopold_Draft Itinerary 5.28.19.docx

FYI

Russell L. Kaiser
Chief, Freshwater and Marine Regulatory Branch
Oceans, Wetlands and Communities Division
Office of Wetlands, Oceans and Watersheds
1301 Constitution Ave., N.W.
Room 7114B West Bldg.
Washington, DC 20004
P: 202.566.0963
C: Ex. 6 Personal Privacy (PP)

From: Fordham, Tami
Sent: Thursday, May 30, 2019 8:44 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Allnutt, David <Allnutt.David@epa.gov>
Subject: FW: Updated Itinerary - Alaska Travel

Hi Russ – Please see the updated itinerary. In talking with Patty she actually ended up at the Marriott, so if you want to take one of the room's that David had reserved please feel free. I would just double check that it is still available for all of the nights, so you aren't having to switch back and forth. If you are set and don't need one of the rooms, then let me know so we can modify his reservation. Do you know if Brittany or anyone else is coming from Water besides yourself and Lee? Hopefully this has been determined and flights have been arranged, for they are likely unavailable at this point.

Please let me know if you have any questions. I am happy to walk through this itinerary with Lee's assistant or anyone you think would be helpful in Water.

Thanks! Tami

From: Fordham, Tami
Sent: Thursday, May 30, 2019 4:37 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Mutz, John (Fletcher) <mutz.john@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: FW: Updated Itinerary - Alaska Travel

Good Evening!
Please see the latest itinerary. The rooms at the Captain Cook under Robert (David) Allnutt's were held for Matt, Lee, David, Patty and Chris. I am following up to make sure that each traveler (or their preparer, thank you) changes the room reservation from David's name (and credit card) to their name. Also, I want to confirm who is traveling from HQ (Matt, Lee, Russ, anyone else?), if you know this information that would be most helpful.

Lastly, there will be ground transportation costs that should be included in each of their TA's. I put a rough estimate below.
Additional Transportation Costs:
Anchorage airport to downtown - $30 each way (estimate) (Tuesday/Wednesday/Thursday)
Iliamna – $40
Dillingham – $40
I will send a follow up email to Russ and whomever the additional travelers may be, assuming there are any.

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If you would like to get on the phone and go over any of this information I am working in the office on Friday.

Thanks! Tami

Tami Fordham, Deputy Director
Alaska Operations Office
EPA Pacific Northwest and Alaska Region
222 W 7th Ave, Box 19
Anchorage, AK 99513
(907) 271-1484
epa.gov | epa.gov/region10



AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/6/2019 7:04:37 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]

Subject: FW: Pebble Project NEPA Briefing - Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/6/2019 9:00:00 PM
End: 6/6/2019 10:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Fotouhi, David
Sent: Wednesday, June 5, 2019 3:44 PM
To: Fotouhi, David; Schwab, Justin; Bolen, Brittany; Schaedle, Candi; Barnhart, Megan; Marshall, Tom; Hoppe, Allison; McGrath, Patricia; Vaughan, Molly; Forsgren, Lee; Neugeboren, Steven; Wehling, Carrie; Nalven, Heidi; Palomaki, Ashley; Steiner-Riley, Cara; LaCroix, Matthew; Kaiser, Russell; Hough, Palmer; Szerlog, Michael; Nogi, Jill; Hladick, Christopher; Stern, Allyn; Young, Teresa; Goodin, John; Jefferson, Tricia; Allnutt, David; Tomiak, Robert
Cc: Frazer, Brian
Subject: Pebble Project NEPA Briefing - 1-202-991-0477; ID: 7073718
When: Thursday, June 6, 2019 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC

Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/6/2019 7:04:37 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]

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From: Fotouhi, David
Sent: Wednesday, June 5, 2019 12:44 PM
To: Fotouhi, David; Schwab, Justin; Bolen, Brittany; Schaedle, Candi; Barnhart, Megan; Marshall, Tom; Hoppe, Allison; McGrath, Patricia; Vaughan, Molly; Forsgren, Lee; Neugeboren, Steven; Wehling, Carrie; Nalven, Heidi; Palomaki, Ashley; Steiner-Riley, Cara; LaCroix, Matthew; Kaiser, Russell; Hough, Palmer; Szerlog, Michael; Nogi, Jill; Hladick, Christopher; Stern, Allyn; Young, Teresa; Goodin, John; Jefferson, Tricia; Allnutt, David; Tomiak, Robert
Cc: Frazer, Brian
Subject: Pebble Project NEPA Briefing - 1-202-991-0477; ID: 7073718
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Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

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Sent: 6/6/2019 7:04:37 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Schwab, Justin [Schwab.Justin@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Young, Teresa [Young.Teresa@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]

Subject: FW: Pebble Project NEPA Briefing - Ex. 6 Personal Privacy (PP)
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Cc: Frazer, Brian
Subject: Pebble Project NEPA Briefing - 1-202-991-0477; ID: 7073718
When: Thursday, June 6, 2019 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC

Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Message

From: Allnutt, David [Allnutt.David@epa.gov]
Sent: 12/11/2018 12:34:37 AM
To: Peterson, Erik [Peterson.Erik@epa.gov]
Subject: RE: BBNC
Attachments: meeting notes - RA meeting with BBNC-v2.docx; ATT98781; ATT41401; ATT43510; ATT24165

Erik – my notes attached. Please file and distribute as appropriate.



meeting notes -
RA meeting with ...

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

From: Peterson, Erik
Sent: Thursday, December 06, 2018 4:37 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: BBNC

You can click this link…

https://usepa.sharepoint.com/:w:/r/sites/OW_Work/bristolbay2017/_layouts/15/Doc.aspx?sourcedoc=%7BB9764C19-ABA5-402C-B5FE-927C36C774B4%7D&file=Bristol%20Bay%20External%20Meeting%20Notes_404c%20Review.docx&action=default&mobileredirect=true

Or, fill out this table and send however is easiest.

TITLE
Topic:
Meeting Date:
Location:
List of Third Party Attendees (including affiliation): •
Did EPA decide which third parties would attend?: Yes/No/Explain
List of EPA Attendees: •
Agenda:

AMERICAN OVERSIGHT

Did EPA/Third Party Set the Agenda?:
Did EPA/Third Party Run the Meeting:
Notes from Discussion (including individual advice/feedback provided to Agency): **This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.*
Next Steps/Follow-up Discussed: None

<< OLE Object: Picture (Device Independent Bitmap) >>

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Allnutt, David
Sent: Thursday, December 6, 2018 4:24 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: BBNC

FYI – have been invited by the RA's office to attend a meeting on Monday that Chris has with BBNC and other seafood industry folks. I think I'll be the note taker. Could you send me the template that we're currently using for those? Thanks.

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

R. David Allnutt, Director
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140
(206) 553-2581

AMERICAN OVERSIGHT

Meeting Notes: 12/10/18 EPA/Seafood Industry Mtg on Pebble Mine
Topic: EPA/Seafood Industry Mtg on Pebble Mine
Meeting Date: December 10, 2018
Location: Region 10 Offices, Seattle, WA
List of Third Party Attendees (including affiliation): • Joseph Chythlook (BBNC Chairman) • Everette Anderson (BBNC Director) • Glenn Reed (Pacific Seafood Processors Association) • Jon Bridge (Ben Bridge Jewelers) • Daniel Cheyette (BBNC, Lands and Natural Resources) • Brett Veerhusen (Businesses for Bristol Bay) • Peter Van Tuyn (Bessenyey & Van Tuyn, outside counsel for BBNC)
Did EPA decide which third parties would attend?: Yes/No/Explain No – request for meeting and invite list came from Dan Cheyette at BBNC
List of EPA Attendees: • Chris Hladick, RA • David Allnutt, Director, OERA
Agenda: none
Did EPA/Third Party Set the Agenda?: n/a
Did EPA/Third Party Run the Meeting: n/a
Notes from Discussion (including individual advice/feedback provided to Agency): **This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.* *Dan Cheyette: Conveyed his desire to use this meeting to exchange information on the ongoing Corps NEPA process and any updates regarding the status of EPA's pending CWA § 404(c) Proposed Determination.* *Meeting opened with introductions from the external visitors.* *Peter Van Tuyn: Urged EPA not to equate opposition to the recent Alaska Ballot Measure 1 (salmon initiative) with support for Pebble mine development. For example, Glenn Reed and his organization opposed the salmon initiative but also oppose development of the mine.* *Joe Chythlook: This was record-setting year for salmon fishing in Bristol Bay. Everyone he talked to did very well commercially, and it was also a good year for subsistence. Would like to ensure that the people of Bristol Bay region can continue to live that way of life.* *Everette Anderson: Bristol Bay is the last place of its kind. Strong cultural ties; strong commercial ties.* *DC: 60M+ sockeye were harvested in Bristol Bay in 2018; the fishery is the economic cornerstone of region. But it's not just about the fisheries.* *Brett Veerhusen: Opposition to the mine is not just about the 14k direct jobs; also reflects a desire to protect secondary and tertiary jobs worldwide. For the seafood industry, it's very important to keep trust with consumers. Alaska seafood is currently the no. 1 trusted source of protein.* *Jon Bridge: Consumer trust is also important for the jewelry industry – public interest in "blood diamonds" several years ago demonstrated this phenomenon. Ben Bridge supports the Responsible Jewelry Council, which promotes fair labor and environmental standards for resource extraction. Ben Bridge has two stores in AK, so has been close to the Pebble issue in particular for many years.* *Glenn Reed: don't neglect jobs outside of fishing and processing sectors. For example, BB fishery is very important for Alaska's transportation sector.*

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DC: The Corps' schedule for processing PLP's permit application seems very aggressive and unrealistic.
Chris Hladick: EPA has registered its concerns on the Corps' proposed schedule. David can describe what the PD did and didn't do and where we are procedurally on that.
David Allnutt: Provided an overview of EPA's role in issuing the PD, proposing to withdraw it, and then suspending withdrawal proceedings. Emphasized that the PD proposes restrictions on mining the Pebble deposit but does not prohibit or veto such mining.
EPA has organized two teams of technical and programmatic specialists: one to assist with the Corps' environmental review and permitting processes, and another to manage the CWA § 404(c) process. We are serving as a cooperating agency under NEPA and have offered our technical assistance to the Corps as it analyzes alternatives and potential impacts. We're working hard to meet the Corps' cooperating agency deadlines. We also intend to review and comment in writing on the DEIS once that is available from the Corps.
PVT: During a recent visit to DC, he was told by Corps HQ that the 404 permit would be "the last permit" issued – would only be issued after PLP had secured its state and local authorizations. Is this consistent with what EPA has heard from the Corps?
DA: I have only been in touch with the Corps' Alaska District staff about this project – not Corps or Army HQ. I have not discussed this particular issue. I am aware, though, that PLP has not yet applied for its state permits.
DC: Have the cooperating agencies requested more time to review the preliminary DEIS?
DA: I have not personally participated in the recent cooperating agency meetings, but I understand that there has been considerable discussion about the proposed schedule. The current deadline of December 21 does represent some flexibility by the Corps.
PVT: Has Region 10 been given any policy direction from EPA HQ regarding the timing of the 2014 PD?
DA: We are aware of Administrator Pruitt's direction (in a June 2018 memo) to EPA-OW to develop a proposed rule to revise how EPA exercises its authority under CWA § 404(c). We are not aware of any policy direction outside of the June 2018 memo.
JC: BBNC is profit-making entity; not against mining or resource development generally. BBNC's opposition to Pebble is not just about the environment, it's about the people and the resource.

Meeting adjourned after one hour.

Next Steps/Follow-up Discussed: None

AMERICAN OVERSIGHT

To: Nalven, Heidi[Nalven.Heidi@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Thur 8/15/2019 6:27:37 PM (UTC)
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

That's fine. We aren't under a deadline for publication.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Nalven, Heidi <Nalven.Heidi@epa.gov>
Sent: Thursday, August 15, 2019 11:25 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

Got it. Thanks. What about keeping Erik's version as is and if folks ask for more detail we can add some back in?

From: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Sent: Thursday, August 15, 2019 2:24 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

Hi – This just goes to the FR liaison team. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Thursday, August 15, 2019 10:47 AM
To: Nalven, Heidi <Nalven.Heidi@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

Thank you both for your review. I've edited consistent with Heidi's input. I agree.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

From: Nalven, Heidi <Nalven.Heidi@epa.gov>
Sent: Thursday, August 15, 2019 10:34 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

AMERICAN OVERSIGHT

Attached is a version with my edits. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Wednesday, August 14, 2019 7:00 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

HI Ashley and Heidi,

Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) We submitted the 2018 Action Information Template with the Federal Register package. It is my current understanding it is a requirement. As in, I need to finish this document to submit the package to publish in the FR. We are otherwise making progress, figured out funding today.

There is a section on review and approval and I don't know who all approved. I'm particularly looking for your input on that section, highlighted in the document. Open of course to feedback on the rest. The rest of the 2019 withdrawal document essentially comes from the 2018 version and from the Federal Register Notice itself.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

AMERICAN OVERSIGHT

To: Peterson, Erik[Peterson.Erik@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Wed 8/14/2019 11:29:04 PM (UTC)
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"
Action Information Template - Bristol Bay PD Withdrawal_ACP.doc

Thanks, Erik. Edits attached.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Wednesday, August 14, 2019 4:00 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

HI Ashley and Heidi,

I'm writing to request your review of the attached "Action Information Template – Bristol Bay PD Withdrawal". This is the 2019 withdrawal version of the 2018 Action Information Template for the PD withdrawal suspension. We submitted the 2018 Action Information Template with the Federal Register package. It is my current understanding it is a requirement. As in, I need to finish this document to submit the package to publish in the FR. We are otherwise making progress, figured out funding today.

There is a section on review and approval and I don't know who all approved. I'm particularly looking for your input on that section, highlighted in the document. Open of course to feedback on the rest. The rest of the 2019 withdrawal document essentially comes from the 2018 version and from the Federal Register Notice itself.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

AMERICAN OVERSIGHT

To: Hladick, Christopher[hladick.christopher@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]
Cc: Pirzadeh, Michelle[Pirzadeh.Michelle@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Tomiak, Robert[tomiak.robert@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Vaughan, Molly[Vaughan.Molly@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Detwiler, Susan K.[detwiler.susan@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Szerlog, Michael[Szerlog.Michael@epa.gov]; Barnhart, Megan[Barnhart.Megan@epa.gov]; Hoppe, Allison[hoppe.allison@epa.gov]; Marshall, Tom[marshall.tom@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Koslow, Karin[Koslow.Karin@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Nogi, Jill[nogi.jill@epa.gov]; Schaedle, Candi[Schaedle.Candi@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Haskins, Antonio[Haskins.Antonio@epa.gov]; Blackmond, Vicky[Blackmond.Vicky@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Chung, Angela[Chung.Angela@epa.gov]
From: Allnutt, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E28F5BF9CBF4B8B9EDA7751C2F10750-ALLNUTT, DAVID]
Sent: Fri 4/19/2019 9:56:30 PM (UTC)
Subject: Bristol Bay R10-HQ Policy Briefing (Check-in 1 of 2)
Bristol Bay Policy Briefing Document - Check-in 1 of 2_on 22April2019.docx
Pebble DEIS + 404 letter prep and meeting schedule_20190322.xlsx
Bristol Bay and Pebble Mine Maps.pdf

Chris, Matt, David, Lee, Brittany – we're looking forward to conducting the first of two planned Bristol Bay policy briefings for you on Monday at 10am Pacific/1pm Eastern.
I wanted to call to your attention that we have included three read-ahead materials in the Outlook invitation for this meeting. For your convenience, I've attached copies of these same three documents to this email message. Additional logistical information is in the invitation and below.
We don't have an elaborate agenda for our discussion, but anticipate covering the following:

- Introductions
- Background/overview
- Schedule
- Briefing document
- Next steps

Hope you have a good holiday weekend. See you on Monday.

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

-----Original Appointment-----
From: Gahner, Pamela **On Behalf Of** Hladick, Christopher
Sent: Friday, April 19, 2019 2:32 PM
To: Leopold, Matt (OGC); Fotouhi, David; Forsgren, Lee; Bolen, Brittany
Cc: Pirzadeh, Michelle; Allnutt, David; Neugeboren, Steven; Goodin, John; Tomiak, Robert; Nalven, Heidi; Wehling, Carrie; Stern, Allyn; Steiner-Riley, Cara; Palomaki, Ashley; McGrath, Patricia; Vaughan, Molly; Hough, Palmer; Detwiler, Susan K.; Peterson, Erik; Szerlog, Michael; Barnhart, Megan; Hoppe, Allison; Marshall, Tom; Schwab, Justin; Canino, Joyce Lynn T.; Koslow, Karin; LaCroix, Matthew; Nogi, Jill; Schaedle, Candi; OGC IT Team; Frazer, Brian; Haskins, Antonio; Blackmond, Vicky
Subject: Bristol Bay R/10 HQ Policy Briefing (Check-in 1 of 2)
When: Monday, April 22, 2019 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Please open invitation for location and attachments
VTC will be available in the following locations:
HQ personnel - DC Room ARN 4045
R10 personnel - 21-Tahoma
RTP will open the conference line for those not able to attend via VTC. Please use the call in number below to be connected.
Conference #: Ex. 6 Personal Privacy (PP)
Code: Ex. 6 Personal Privacy (PP)
HQ POC: John Mutz, 202-564-8043
R10 POC: Erik Petersen, 206-553-6382

OVERSIGHT

Message

From: Marshall, Vanessa [marshall.vanessa@epa.gov]
Sent: 12/19/2018 8:03:43 PM
To: Peterson, Erik [Peterson.Erik@epa.gov]
CC: Kelly, Christine M [kelly.christinem@epa.gov]
Subject: CMS - 1576 FYI Only
Attachments: 19-000-1576_Control Slip.pdf; 19-000-1576_Correspondence.pdf

Importance: High

Hi Erik,

Not sure if I sent you this CMS. Thanks!

Vanessa Marshall, Administrative Specialist
Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, Mail Stop OERA-140
Seattle, Washington 98101-3140
(206) 553-6240
marshall.vanessa@epa.gov

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Thu Dec 06 17:17:26 EST 2018
CMS.OEX@epamail.epa.gov
FW:
To: "cms.oex@domino.epamail.epa.gov" <cms.oex@domino.epamail.epa.gov>

From: Hope, Brian
Sent: Thursday, December 6, 2018 10:17:21 PM (UTC+00:00) Monrovia, Reykjavik
To: CMS.OEX
Subject: FW:

Reading File

From: Smith, Lem O. <lem.smith@squirepb.com>
Sent: Thursday, December 06, 2018 1:58 PM
To: Wheeler, Andrew <wheeler.andrew@epa.gov>
Subject:

Administrator Wheeler,

Our client asked us to forward this letter.

Hope you are well.

Thanks,

Lem

Lem Smith

Squire Patton Boggs

Ex. 6 - cell

From Verizon, Samsung smartphone - pls pardon typos

---

47 Offices in 20 Countries

This message is confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient, please telephone or email the sender and delete this message and any attachment from your system; you must not copy or disclose the contents of this message or any attachment to any other person.

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#US

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THE pebble PARTNERSHIP

December 5, 2018

The Honorable Andrew Wheeler
Acting Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Acting Administrator Wheeler,

I am writing on behalf of the Pebble Limited Partnership ("PLP") to formally request that the Environmental Protection Agency ("EPA") withdraw *Proposed Determination of the U.S. Environmental Protection Agency Region 10 Pursuant to Section 404(c) of the Clean Water Act* (July 2014) ("Proposed Determination"), which aims to restrict the discharge of dredged or fill material related to the Pebble deposit in southwest Alaska. The Pebble Mine has the potential to produce substantial amounts of copper, molybdenum, and gold, and is expected to create thousands of jobs in the Bristol Bay region of Alaska. Equally as important, PLP has invested heavily into planning a mine that will operate safely and not pose a threat to Bristol Bay's valuable waters and fisheries.

Despite this, in 2014, EPA invoked its authority under Section 404(c) of the Clean Water Act to veto any proposed development by PLP *before* PLP had even filed for a permit application under Section 404 and *before* EPA had undertaken any scientific analysis of the potential project. But Section 404(c) does *not* authorize such a "preemptive" veto. Indeed, EPA had never before, or since, exercised its Section 404(c) authority preemptively. In every other case in which EPA has invoked its Section 404(c) authority, it has done so following the submission of a permit application and the completion of a thorough evaluation of that permit application under the National Environmental Policy Act ("NEPA"), as required by the Clean Water Act.

Seeking to fulfill the prior Administration's activist agenda, EPA ignored its statutory charge in an effort to halt any development project that it deemed, without any scientific analysis at all, to have any environmental impact. This extreme, activist approach to environmental regulation is not only misguided and unauthorized, it also runs counter to this Administration's stated policy of allowing for a full, fair, and open permit application process by the U.S. Army Corps of Engineers ("USACE") before deciding whether to issue a development permit. In fact, the White House's February 2018 infrastructure proposal advocates removing EPA's veto authority *entirely* because a veto "creates significant uncertainty and delays permit decisions . . . [and] removing EPA's authority to veto a 404 permit would make the permitting process more efficient and predictable." And in June 2018, EPA announced that it would develop a proposed rulemaking to consider amending its regulations to eliminate the authority to issue vetoes before

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a permit application is filed or after a permit issues. Despite these public proclamations, former EPA Administrator Scott Pruitt refused to withdraw the Proposed Determination earlier this year, leaving the Pebble Mine in peril and sending mixed signals to investors and developers.

This Administration has re-committed EPA to the rule of law in many important areas, such as the Clean Power Plan and the Waters of the United States Rule. These efforts have reintroduced regulatory certainty and invigorated investment while maintaining environmental protections. By withdrawing the Obama Administration's Pebble veto, EPA has a similar opportunity; the Agency should allow for its proposed rulemaking to proceed and provide Pebble with nothing more than the same treatment that other permit applicants will receive in an improved Clean Water Act regulatory scheme. In so doing, EPA can continue to protect the valuable Bristol Bay watershed without unnecessarily stymying a project with immense economic potential.

The Proposed Determination Should Be Withdrawn for the Very Reasons Underlying EPA's Proposed Rulemaking

While EPA's June 2018 memo directing the Section 404(c) rulemaking was a welcome step toward re-introducing certainty into the federal permitting process and thereby spurring further economic development, allowing the Obama Pebble veto to remain in place fundamentally undercuts this progress. Preemptive vetoes (those issued before a developer even submits a permit application to USACE) significantly hinder growth by serving as a regulatory cloud over companies' investment decisions. Indeed, in announcing its Section 404(c) rulemaking, EPA noted that one reason for the proposed rulemaking was its concern "that the mere potential of the EPA's use of its section 404(c) authority before or after the permitting process could influence investment decisions and chill economic growth by short-circuiting the permitting process."

As the Pebble case unfortunately proves, this concern is not abstract; PLP is feeling these chilling effects right now. To illustrate this harm, just consider the aftermath of former Administrator Pruitt's announcement that EPA would not withdraw the Proposed Determination: The Agency announced its decision on Friday, January 26, 2018, and by the next Monday, the stock of PLP's parent company, Northern Dynasty Minerals, was down 50%. And, just recently, Goldman Sachs issued a report recommending no investment in Pebble and highlighting EPA's suspension of the proposed withdrawal of the Proposed Determination. Although Administrator Pruitt stated that his "decision neither deters nor derails the application process of Pebble Limited Partnership's proposed project," the market clearly interpreted the action otherwise.

These effects are not limited to Pebble. If left in place, the Obama EPA's precedent – that the Agency can pick and choose which projects are worthy of due process – will still cause companies to question whether to pursue development projects in the United States. Indeed,

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Bristol Bay/Pebble Mine 2019 FOIAs_Production011

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when EPA announced its intention to suspend the proposed withdrawal, the *Wall Street Journal* derided the move in a January 30, 2018, editorial titled "Pruitt's Bad Pebble Precedent," emphasizing the decision's likelihood to "undermine capital investment" and warning that future administrations could "take Mr. Pruitt's precedent and run with it" because it "makes the agency a superregulator able to kill any mine, pipeline, bridge or oil well before companies can make a case, and regardless of support by one of the 50 states." And hamstringing Pebble hurts other federal initiatives: Recent projections show demand for copper increasing, in large part due to its utility in green technology, a demand Pebble can help meet. These harms were all too common for businesses under the Obama Administration, but your EPA has an opportunity to reverse them and begin setting better precedent.

In fact, EPA can avoid these effects and begin to achieve some of the goals of the proposed rulemaking immediately. Withdrawing the Proposed Determination does not commit EPA to any outcome with regards to the ultimate permit application process for the Pebble Mine. Rather, such a move would merely assure that PLP receives the same fairness that the proposed rulemaking will establish for other project proponents. EPA described the potential regulations as "long-overdue" and bearing "the promise of increasing certainty for landowners, investors, businesses and entrepreneurs to make investment decisions while preserving EPA's authority to restrict discharges." PLP, which has invested nearly a billion dollars into exploration and planning, can also benefit from that increased certainty that will allow the company to further its plans to develop a project with immense economic potential for Alaska and the country.

EPA May Withdraw the Proposed Determination Immediately

When EPA suspended the process to withdraw the Proposed Determination, it said it intended to "at a future time" solicit public comment and information on whether to withdraw it. This statement is based on the erroneous belief that some further legal process is required to withdraw the veto. However, no such process is required.

The Proposed Determination adhered to EPA regulations requiring public comment and provided for public hearings regarding the proposed restrictions. *See* 40 C.F.R. § 231.3. Following any public comments or hearings, those regulations require *only* that within 30 days of the public hearing, or 15 days after expiration of the comment period (if no hearing is held), the EPA Regional Administrator either withdraw the Proposed Determination or prepare a Recommended Determination. If it is withdrawn, the Administrator has 10 days to notify the Regional Administrator if he intends to review such a withdrawal. *See* 40 C.F.R. § 231.5. If no such notice is given, the withdrawal becomes final. These timelines may be extended for good cause under 40 C.F.R. 231.8, and indeed EPA has extended these periods many times.

Thus, once EPA receives public comments and/or holds a hearing on a Proposed Determination, no further legal process is required. The regulation simply sets out certain

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timelines for the agency to make its internal decision. Because there has never before been a preemptive veto, there is no agency precedent that requires the agency to conduct any additional process to withdraw such a veto. And, even if EPA wants more comments than have been received on the Proposed Determination and suspended withdrawal thereof, the ongoing environmental impact statement process has provided for even more public involvement, including public comments, and the publication of a scoping report with additional information about the Pebble Mine.

Finally, withdrawing the Proposed Determination in no way limits future EPA action on the Pebble Mine, including a veto under Section 404(c). A withdrawal does not require taking a position on whether the project will or will not pose a risk to the environment, or that the Bristol Bay Watershed Assessment (a study the Obama EPA concocted to justify its decision to issue the Proposed Determination) is scientifically flawed, or that PLP should be granted a permit. EPA would still retain its statutory authority to review the project following the NEPA process and can, at that time, evaluate the merits of the project based on a full record.

Withdrawing the Proposed Determination Poses No Legal Risks

Though environmental groups may file suit to challenge EPA's withdrawal, these actions will not succeed. As non-parties to the permit application process, any suit by environmental groups would likely be brought under the Clean Water Act's citizen suit provision or the Administrative Procedure Act. However, these statutes only allow for judicial review of a *non-discretionary* duty. *See* 5 U.S.C. 701(a) (granting a court jurisdiction to review actions taken by an agency except to the extent "agency action is committed to agency discretion by law"); 33 U.S.C. § 1365 (citizen suits may be brought where there is an alleged "failure … to perform any act or duty under this Act which is not discretionary with the Administrator"). Thus, courts have repeatedly dismissed actions by environmental groups challenging 404(c) determinations because both Section 404(c) of the Clean Water Act and EPA's regulations make clear that the Agency's veto authority is discretionary.

Moreover, environmental groups suing EPA for withdrawing the Proposed Determination may also lack standing to bring such an action because withdrawal of a veto is a procedural step, not the final decision on the permit application; thus there is no harm to would-be plaintiffs. This is especially true here, since EPA has the authority to reissue a Proposed Determination at the conclusion of the EIS process and in accordance with the Clean Water Act.

* * *

Withdrawing the Proposed Determination immediately is thus fully in accordance with the law and this Administration's stated policies. But more importantly, it would signal a commitment to regulatory stability and consistency without sacrificing any environmental

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protection. Since your appointment as EPA Acting Administrator, you have committed the Agency to returning to its core mission by focusing on the rule of law. By restoring order and fairness to the Pebble decision-making process, you have a tremendous opportunity to further that core mission.

Sincerely,

Tom Collier

Thomas C. Collier

AMERICAN OVERSIGHT

To: Allnutt, David[Allnutt.David@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Lindsay, Andrea[Lindsay.Andrea@epa.gov]
Cc: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Mon 1/28/2019 11:22:01 PM (UTC)
Subject: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
McClatchy News Inquiry 1-28-2019 draft.docx

Hello and welcome back all!
I need your help with the Qs below. Once we have draft answers we're happy with, I'll work w/ HQ on final. I talked with this reporter on background this morning to help get her up to speed.
Reporter wants to attribute/quote answers to questions below. I've attached the Qs and some proposed As in the attached doc.
Thanks!
Suzanne
Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10
From: Rennie, Julianna <jrennie@mcclatchydc.com>
Sent: Monday, January 28, 2019 1:02 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: FW: Media questions about Pebble Mine
Hi, Suzanne:
Thank you so much for chatting with me earlier today! Here are some of the questions that I would like EPA to comment on:
1. Other than in 2014 for the Pebble Project, has the EPA ever preemptively issued a proposed determination? Why did the EPA feel that it was necessary to do so for this project?
2. Why did Pruitt suspend the process to withdraw the proposed determination? Do you have any data from that comment period? (How many comments were submitted? Were they primarily in favor or opposition?)
3. Please comment on the timeline for the EIS. Is the EPA concerned about the accelerated timeline? How has Trump's emphasis on streamlined permitting influenced that decision?
4. If the Army Corps releases a favorable EIS but the proposed determination has not been withdrawn or finalized, then what happens?
5. If the Army Corps does issue a permit, can the EPA still block the project using 404c after the permit is granted?
Please let me know if you have any questions. I really appreciate all of your help!
Best,
Julianna
On Mon, Jan 28, 2019 at 2:41 PM Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:
Hi Julianna,
Thanks for reaching out. I'm the main communications contact for EPA's work around the Pebble Mine.
Please give me a call when you get a chance, or send your questions by email.
Thanks!
Suzanne
Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10
From: Rennie, Julianna <jrennie@mcclatchydc.com>
Sent: Friday, January 11, 2019 12:14 PM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: Media questions about Pebble Mine
Hi, Mr. MacIntyre:
I'm a reporter for McClatchy and I'm working on an article about the Pebble Mine project. Would you be available to answer a few questions about the EPA's involvement with project? Feel free to give me a call at (704) 491-4996 when you return to the office.
Best,

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Julianna
Julianna Rennie
Congressional Reporter
McClatchy DC
jrennie@mcclatchydc.com
(704) 491-4996

AMERICAN OVERSIGHT

To: Hough, Palmer[Hough.Palmer@epa.gov]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Wed 1/30/2019 1:42:59 AM (UTC)
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
McClatchy News Inquiry 1-29-2019 draft pfh edits SS_ACP.docx

Thanks, Suzanne! Added my thoughts on top of Palmer's.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Hough, Palmer
Sent: Tuesday, January 29, 2019 1:03 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Susanne

Ex. 5 Deliberative Process (DP)

From: Skadowski, Suzanne
Sent: Tuesday, January 29, 2019 3:44 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Thank you Palmer, very helpful info and edits (as always)!

Ex. 5 Deliberative Process (DP)

From: Hough, Palmer
Sent: Tuesday, January 29, 2019 12:34 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Attached are my suggested edits in redline. Attached are letters referenced in my suggested edits to Answer number 1

From: Skadowski, Suzanne
Sent: Tuesday, January 29, 2019 1:32 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High
Updated Q & A is attached. Please review and edit (as needed) draft answers and please provide a draft answer for #5. Please try to send back to me asap.

From: Skadowski, Suzanne
Sent: Monday, January 28, 2019 3:22 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>

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Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High

Hello and welcome back all!

I need your help with the Qs below. Once we have draft answers we're happy with, I'll work w/ HQ on final. I talked with this reporter on background this morning to help get her up to speed.

Reporter wants to attribute/quote answers to questions below. I've attached the Qs and some proposed As in the attached doc.

Thanks!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Rennie, Julianna <jrennie@mcclatchydc.com>
Sent: Monday, January 28, 2019 1:02 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: FW: Media questions about Pebble Mine

Hi, Suzanne:

Thank you so much for chatting with me earlier today! Here are some of the questions that I would like EPA to comment on:

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Please let me know if you have any questions. I really appreciate all of your help!

Best,

Julianna

On Mon, Jan 28, 2019 at 2:41 PM Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

> Hi Julianna,
>
> Thanks for reaching out. I'm the main communications contact for EPA's work around the Pebble Mine.
>
> Please give me a call when you get a chance, or send your questions by email.
>
> Thanks!
>
> Suzanne
>
> *Suzanne Skadowski*
> *Public Affairs Specialist | Media Relations*
> *U.S. Environmental Protection Agency*
> *Region 10 Pacific Northwest - Seattle*
> *O: 206-553-2160 C:* Ex. 6 Personal Privacy (PP)
> *Follow us on Twitter! @EPAnorthwest*
> *Like us on Facebook! @eparegion10*
>
> **From:** Rennie, Julianna <jrennie@mcclatchydc.com>
> **Sent:** Friday, January 11, 2019 12:14 PM
> **To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>
> **Subject:** Media questions about Pebble Mine
>
> Hi, Mr. MacIntyre:
>
> I'm a reporter for McClatchy and I'm working on an article about the Pebble Mine project. Would you be available to answer a few questions about the EPA's involvement with project? Feel free to give me a call at (704) 491-4996 when you return to the office.
>
> Best,
>
> Julianna
>
> Julianna Rennie
> Congressional Reporter
> McClatchy DC
> jrennie@mcclatchydc.com

AMERICAN OVERSIGHT

(704) 491-4996

AMERICAN OVERSIGHT

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Hough, Palmer[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: Tue 1/29/2019 8:34:01 PM (UTC)
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
McClatchy News Inquiry 1-28-2019 draft (003)_pfh edits.docx
Rep Gibbs 2016.pdf
Indiana DEM_2014_AX-15-000-3072.pdf
Vitter 2014.pdf
Wasden.ltr.pdf

Attached are my suggested edits in redline. Attached are letters referenced in my suggested edits to Answer number 1

From: Skadowski, Suzanne
Sent: Tuesday, January 29, 2019 1:32 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High

Updated Q & A is attached. Please review and edit (as needed) draft answers and please provide a draft answer for #5. Please try to send back to me asap.

From: Skadowski, Suzanne
Sent: Monday, January 28, 2019 3:22 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High

Hello and welcome back all!
I need your help with the Qs below. Once we have draft answers we're happy with, I'll work w/ HQ on final. I talked with this reporter on background this morning to help get her up to speed.
Reporter wants to attribute/quote answers to questions below. I've attached the Qs and some proposed As in the attached doc.
Thanks!
Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Rennie, Julianna <jrennie@mcclatchydc.com>
Sent: Monday, January 28, 2019 1:02 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: FW: Media questions about Pebble Mine

Hi, Suzanne:
Thank you so much for chatting with me earlier today! Here are some of the questions that I would like EPA to comment on:
1. Other than in 2014 for the Pebble Project, has the EPA ever preemptively issued a proposed determination? Why did the EPA feel that it was necessary to do so for this project?
2. Why did Pruitt suspend the process to withdraw the proposed determination? Do you have any data from that comment period? (How many comments were submitted? Were they primarily in favor or opposition?)
3. Please comment on the timeline for the EIS. Is the EPA concerned about the accelerated timeline? How has Trump's emphasis on streamlined permitting influenced that decision?
4. If the Army Corps releases a favorable EIS but the proposed determination has not been withdrawn or finalized, then what happens?
5. If the Army Corps does issue a permit, can the EPA still block the project using 404c after the permit is granted?
Please let me know if you have any questions. I really appreciate all of your help!
Best,
Julianna

On Mon, Jan 28, 2019 at 2:41 PM Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

AMERICAN OVERSIGHT

Hi Julianna,
Thanks for reaching out. I'm the main communications contact for EPA's work around the Pebble Mine.
Please give me a call when you get a chance, or send your questions by email.
Thanks!
Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Rennie, Julianna <jrennie@mcclatchydc.com>
Sent: Friday, January 11, 2019 12:14 PM
To: MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: Media questions about Pebble Mine

Hi, Mr. MacIntyre:
I'm a reporter for McClatchy and I'm working on an article about the Pebble Mine project. Would you be available to answer a few questions about the EPA's involvement with project? Feel free to give me a call at (704) 491-4996 when you return to the office.
Best,
Julianna

Julianna Rennie
Congressional Reporter
McClatchy DC
jrennie@mcclatchydc.com
(704) 491-4996

AMERICAN OVERSIGHT

To: Hough, Palmer[Hough.Palmer@epa.gov]; Peterson, Erik[Peterson.Erik@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Tue 1/29/2019 8:44:03 PM (UTC)
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
McClatchy News Inquiry 1-29-2019 draft pfh edits SS.docx

Thank you Palmer, very helpful info and edits (as always)!

Ex. 5 Deliberative Process (DP)

From: Hough, Palmer
Sent: Tuesday, January 29, 2019 12:34 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Attached are my suggested edits in redline. Attached are letters referenced in my suggested edits to Answer number 1

From: Skadowski, Suzanne
Sent: Tuesday, January 29, 2019 1:32 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High
Updated Q & A is attached. Please review and edit (as needed) draft answers and please provide a draft answer for #5. Please try to send back to me asap.

From: Skadowski, Suzanne
Sent: Monday, January 28, 2019 3:22 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Peterson, Erik <Peterson.Erik@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Bennett, Brittany <bennett.brittany@epa.gov>; Lindsay, Andrea <Lindsay.Andrea@epa.gov>
Cc: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: MEDIA INQUIRY: Pebble Mine -- McClatchy, DDL 1/31
Importance: High
Hello and welcome back all!
I need your help with the Qs below. Once we have draft answers we're happy with, I'll work w/ HQ on final. I talked with this reporter on background this morning to help get her up to speed.
Reporter wants to attribute/quote answers to questions below. I've attached the Qs and some proposed As in the attached doc.
Thanks!
Suzanne
Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10
From: Rennie, Julianna <jrennie@mcclatchydc.com>
Sent: Monday, January 28, 2019 1:02 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: FW: Media questions about Pebble Mine
Hi, Suzanne:
Thank you so much for chatting with me earlier today! Here are some of the questions that I would like EPA to comment on:
1. Other than in 2014 for the Pebble Project, has the EPA ever preemptively issued a proposed determination? Why did the EPA feel that it was necessary to do so for this project?
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3. Please comment on the timeline for the EIS. Is the EPA concerned about the accelerated timeline? How has Trump's emphasis on streamlined permitting influenced that decision?
4. If the Army Corps releases a favorable EIS but the proposed determination has not been withdrawn or finalized, then what

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happens?
5. If the Army Corps does issue a permit, can the EPA still block the project using 404c after the permit is granted?
Please let me know if you have any questions. I really appreciate all of your help!
Best,
Julianna
On Mon, Jan 28, 2019 at 2:41 PM Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

> Hi Julianna,
> Thanks for reaching out. I'm the main communications contact for EPA's work around the Pebble Mine.
> Please give me a call when you get a chance, or send your questions by email.
> Thanks!
> Suzanne
> *Suzanne Skadowski*
> *Public Affairs Specialist | Media Relations*
> *U.S. Environmental Protection Agency*
> *Region 10 Pacific Northwest - Seattle*
> *O: 206-553-2160 C:* Ex. 6 Personal Privacy (PP)
> *Follow us on Twitter! @EPAnorthwest*
> *Like us on Facebook! @eparegion10*
> **From:** Rennie, Julianna <jrennie@mcclatchydc.com>
> **Sent:** Friday, January 11, 2019 12:14 PM
> **To:** MacIntyre, Mark <Macintyre.Mark@epa.gov>
> **Subject:** Media questions about Pebble Mine
> Hi, Mr. MacIntyre:
> I'm a reporter for McClatchy and I'm working on an article about the Pebble Mine project. Would you be available to answer a few questions about the EPA's involvement with project? Feel free to give me a call at (704) 491-4996 when you return to the office.
> Best,
> Julianna
> Julianna Rennie
> Congressional Reporter
> McClatchy DC
> jrennie@mcclatchydc.com
> (704) 491-4996

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3126

OFFICE OF THE REGIONAL ADMINISTRATOR

SEP - 5 2018

Thomas D. Allen
Holdsworth and Allen, P.C.
Westowne 2, Suite 106
P.O. Box 126
Liberty, Missouri 64069

Dear Mr. Allen:

Thank you for your email dated August 21, 2018, to the U.S. Environmental Protection Agency's Acting Administrator Andrew Wheeler. Administrator Wheeler has asked me to respond to you on his behalf.

In your message, you ask when the EPA will comment on proposed rule changes to the Clean Water Act and about the EPA's Pebble mine actions. I am also aware of similar messages from you to members of my staff. We understand that you would like to know when the EPA will respond to Congressman Peter DeFazio and Senator Tom Carper's July 2018 letter to Acting Administrator Wheeler. The EPA is currently working on this response.

You have also asked whether the EPA will withdraw its proposed restrictions on the use of certain waters for disposal of dredged or fill material associated with mining in Bristol Bay. In July of 2017, the EPA proposed to withdraw the 2014 Section 404(c) Proposed Determination for the Pebble deposit area, that was based, in part, on the Bristol Bay Watershed Assessment. After taking public comment, holding two public hearings, and consulting with tribes and Alaska Native Claims Settlement Act Corporations, the EPA announced on January 26, 2018, that it would not withdraw the Proposed Determination, leaving it in place pending consideration of any other information relevant to the protection of the world-class fisheries contained in the Bristol Bay watershed. The Agency intends at a future time to solicit public comment on what further steps, if any, the Agency should take under Section 404(c) to prevent unacceptable adverse effects to the watershed's abundant and valuable fishery resources, in light of the pending permit application that has now been submitted to the U.S. Army Corps of Engineers.

Again, thank you for your email to Acting Administrator Wheeler. If you would like additional information, please visit the EPA Bristol Bay website, at www.epa.gov/bristolbay, or contact me or Erik Peterson, one of our Bristol Bay project managers, at Peterson.Erik@epa.gov.

Sincerely,

Chris Hladick
Regional Administrator

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Message

From: Nogi, Jill [nogi.jill@epa.gov]
Sent: 12/11/2018 10:12:21 PM
To: Peterson, Erik [Peterson.Erik@epa.gov]
CC: Marshall, Vanessa [marshall.vanessa@epa.gov]; Kelly, Christine M [kelly.christinem@epa.gov]
Subject: RE: Incoming CMS-19-000-1379
Attachments: 19-000-1379_Draft Letter+JN.docx

Hi Erik,
Thanks for sharing the draft letter for review. I have made a few wording suggestions for consideration and I also concur on the release of the CMS.

Jill

From: Peterson, Erik
Sent: Tuesday, December 11, 2018 1:38 PM
To: Marshall, Vanessa ; Kelly, Christine M
Cc: Nogi, Jill
Subject: RE: Incoming CMS-19-000-1379

Vanessa and Christine,

Could you add a separate concurrence for Jill Nogi on this letter?

The draft letter is saved to the folder you indicated (the hyperlink doesn't work for me it seems). I am also attaching the draft here for convenience in case Jill wants to review and provide input to me and occur via email.

Thank you for routing for concurrence and helping to get this letter to the RAs office by 12/13.

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Marshall, Vanessa
Sent: Friday, November 30, 2018 7:24 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Cc: Kelly, Christine M <kelly.christinem@epa.gov>; Marshall, Vanessa <marshall.vanessa@epa.gov>
Subject: Incoming CMS-19-000-1379
Importance: High

Good morning Erik,

The electronic folder is here for the above mentioned CMS. The folder contains the Control Slip, Correspondence, Concurrence Coversheet, and Draft Letter. Let me know if you have any questions. Thanks!

Vanessa Marshall, Administrative Specialist

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Office of Environmental Review and Assessment
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, Mail Stop OERA-140
Seattle, Washington 98101-3140
(206) 553-6240
marshall.vanessa@epa.gov

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140

OFFICE OF THE
REGIONAL
ADMINISTRATOR

OCT 17 2018

Dear Mr. Allen

Thank you for your recent messages to me and Acting Administrator Wheeler regarding the Pebble gold and copper deposit site in the Bristol Bay region of southwest Alaska. Your message references the EPA's 2014 Clean Water Act Section 404(c) Proposed Determination for the deposit.

Your messages ask whether the EPA plans to withdraw the Proposed Determination.

On January 26, 2018, the EPA issued a public notice announcing the Agency's decision not to withdraw the Proposed Determination, leaving the Determination in place pending consideration of any additional information. In suspending the EPA's withdrawal of the Proposed Determination, the Agency considered relevant statutory authority, applicable regulations, and the input the Agency received as part of the tribal and Alaska Native Claims Settlement Act Corporation consultations, the more than one million public comments received, as well as recent developments, including Pebble's submittal of a CWA Section 404 permit application.

The EPA remains committed to considering any other information on the potential mine's impact to the region's fisheries and natural resources. The Corps has begun development of an Environmental Impact Statement for the Pebble project. The EPA, at the invitation of the Corps, has agreed to be a cooperating agency in this process and is working with the Corps pursuant to that schedule.

The EPA is aware of the significant public interest on this issue and will continue to seek input from all stakeholders as the permitting process progresses. The January 2018 decision does not guarantee or prejudge an outcome in the permitting process or any particular EPA decision-making under the Clean Water Act. Now that Pebble has submitted a permit application, under the terms of a 2017 settlement agreement with Pebble Limited Partnership, the EPA agreed to provide Pebble until May 2021, unless a final EIS is issued sooner, to advance through the permit review process before the EPA could move to the next step in the CWA Section 404(c) review process, if such a decision is made. The steps the EPA has taken demonstrate the Agency's commitment to the rule of law, fundamental fairness, and upholding the EPA's core mission of environmental stewardship. I can assure you that this commitment will continue through the remainder of the process.

Again, thank you for contacting the EPA. If you have any questions, please feel free to contact Erik Peterson, who is one of our Bristol Bay project managers. You can reach Erik at (206) 553-6382 or peterson.erik@epa.gov. To receive future updates on the EPA's Bristol Bay-related decisions and activities, I encourage you to join our Bristol Bay mailing list by visiting www.epa.gov/bristolbay.

Sincerely,

Chris Hladick
Regional Administrator

AMERICAN OVERSIGHT

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Thur 8/15/2019 5:02:45 PM (UTC)
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

Thank you Ashley!

James, Audrey and I plan to keep moving the FR publishing forward with this version. If there is an answer to Ashley's question I'll add it.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

From: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Sent: Wednesday, August 14, 2019 4:29 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

Thanks, Erik. Edits attached.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Wednesday, August 14, 2019 4:00 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Bristol Bay PD Withdrawal - Federal Register Notice "Action Information Template"

HI Ashley and Heidi,

I'm writing to request your review of the attached "Action Information Template – Bristol Bay PD Withdrawal". This is the 2019 withdrawal version of the 2018 Action Information Template for the PD withdrawal suspension. We submitted the 2018 Action Information Template with the Federal Register package. It is my current understanding it is a requirement. As in, I need to finish this document to submit the package to publish in the FR. We are otherwise making progress, figured out funding today.

There is a section on review and approval and I don't know who all approved. I'm particularly looking for your input on that section, highlighted in the document. Open of course to feedback on the rest. The rest of the 2019 withdrawal document essentially comes from the 2018 version and from the Federal Register Notice itself.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 5/30/2019 12:45:30 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]

Subject: FW: Discuss Pebble Mine NEPA/404 letters (Call-in Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
Show Time As: Tentative

AMERICAN OVERSIGHT

From:	Stern, Allyn[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2E2D6F5DF08D4E9ABBFF2C0880407775-STERN, ALLYN]
Location:	DCRoomARN4045/DC-Ariel-Rios-OGC
Importance:	Normal
Subject:	Accepted: Discuss Pebble Mine NEPA/404 letters (Call-in : Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP)
Start Time:	Thur 5/30/2019 7:30:00 PM (UTC)
End Time:	Thur 5/30/2019 9:00:00 PM (UTC)
Required Attendees:	Fotouhi, David

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 5/30/2019 12:45:30 AM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]

Subject: FW: Discuss Pebble Mine NEPA/404 letters (Call-in Ex. 6 Personal Privacy (PP)
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 5/30/2019 7:30:00 PM
End: 5/30/2019 9:00:00 PM
Show Time As: Busy

-----Original Appointment-----
From: Fotouhi, David
Sent: Friday, May 24, 2019 12:54 PM
To: Fotouhi, David; Forsgren, Lee; Neugeboren, Steven; Goodin, John; Allnutt, David; Wehling, Carrie; Nalven, Heidi; Palomaki, Ashley; Steiner-Riley, Cara; McGrath, Patricia; Vaughan, Molly; LaCroix, Matthew; Kaiser, Russell; Marshall, Tom; Hough, Palmer; Tomiak, Robert; Barnhart, Megan; Hoppe, Allison
Subject: Discuss Pebble Mine NEPA/404 letters (Call-in Ex. 6 Personal Privacy (PP)
When: Thursday, May 30, 2019 3:30 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 3/15/2019 3:47:58 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]

Subject: Pebble Permitting Timeline/Call-in # **Ex. 6 Personal Privacy (PP)**
Location: 4020 WJCN

Start: 3/19/2019 6:00:00 PM
End: 3/19/2019 6:30:00 PM
Show Time As: Tentative

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 3/15/2019 3:47:58 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]

Subject: Pebble Permitting Timeline/Call-in # **Ex. 6 Personal Privacy (PP)**
Location: 4020 WJCN

Start: 3/25/2019 3:30:00 PM
End: 3/25/2019 4:00:00 PM
Show Time As: Tentative

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 3/15/2019 3:47:58 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]

Subject: Pebble Permitting Timeline/Call-in # **Ex. 6 Personal Privacy (PP)**
Location: 4020 WJCN

Start: 3/25/2019 3:30:00 PM
End: 3/25/2019 4:00:00 PM
Show Time As: Busy

Discuss timelines associated with NEPA and 404 permitting processes.

POC: Monique Patrick

AMERICAN OVERSIGHT

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Stern, Allyn[Stern.Allyn@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Fordham, Tami[Fordham.Tami@epa.gov]; Detwiler, Susan K.[detwiler.susan@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Hoppe, Allison[hoppe.allison@epa.gov]; Aguirre, Janita[Aguirre.Janita@epa.gov]; Tovar, Katlyn[tovar.katlyn@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Fri 6/7/2019 9:00:56 PM (UTC)
Subject: RE: Revised intro TPs + statement/FAQs
EPA HQ Bristol Bay visit statement-messages-FAQs 6-7-19.docx

Hi Robert,

Updated statement-messages-FAQs attached. No changes other than formatting since last HQ review. I assume these are final unless HQ has any other reviews or comments.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Stachowiak, Robert
Sent: Friday, June 7, 2019 12:25 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Detwiler, Susan K. <detwiler.susan@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Tovar, Katlyn <tovar.katlyn@epa.gov>
Subject: RE: Revised intro TPs

Hi everyone -

These have been superceded and I've attached the new version here. I have not spoken with Matt since our conference call at 2, and these may change further (maybe over the weekend or on Monday) in light of that conversation. If there are errors or other corrections to this new version, please let me know.

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Skadowski, Suzanne
Sent: Friday, June 07, 2019 3:05 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Detwiler, Susan K. <detwiler.susan@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Tovar, Katlyn <tovar.katlyn@epa.gov>
Subject: RE: Revised intro TPs

Hi Sue,

AMERICAN OVERSIGHT

Thank you for the call.

Here is the latest info on Matt's messages that I have from yesterday. I believe that Robert and others are still working on Matt's more detailed remarks.

Note to the team: please keep Sue in the loop here too. Sue is our Alaska Operations Office director and host for this trip.

Thank you!

Suzanne

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Public Affairs Specialist | Media Relations
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Like us on Facebook! @eparegion10

From: Stachowiak, Robert
Sent: Thursday, June 6, 2019 1:35 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Tovar, Katlyn <tovar.katlyn@epa.gov>
Subject: Revised intro TPs

Here's my crack at revised intro TPs. Thanks to all who provided material.

Please provide any corrections or other suggestions to flesh this out (e.g., with more mining info) as soon as possible (it is still shorter than what Matt had requested), as I would like to turn around a new draft tomorrow AM.

Thanks all,
R

Robert Stachowiak
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From: Stachowiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: Fri 6/7/2019 7:24:59 PM (UTC)
Subject: RE: Revised intro TPs
Opening Remarks v.5.docx

Hi everyone -

These have been superceded and I've attached the new version here. I have not spoken with Matt since our conference call at 2, and these may change further (maybe over the weekend or on Monday) in light of that conversation. If there are errors or other corrections to this new version, please let me know.

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Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Tovar, Katlyn <tovar.katlyn@epa.gov>
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Thank you for the call.

Here is the latest info on Matt's messages that I have from yesterday. I believe that Robert and others are still working on Matt's more detailed remarks.

Note to the team: please keep Sue in the loop here too. Sue is our Alaska Operations Office director and host for this trip.

Thank you!

Suzanne

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
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Like us on Facebook! @eparegion10

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Sent: Thursday, June 6, 2019 1:35 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Cc: Stern, Allyn <Stern.Allyn@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Fordham,

AMERICAN OVERSIGHT

Tami <Fordham.Tami@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Tovar, Katlyn <tovar.katlyn@epa.gov>
Subject: Revised intro TPs

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Please provide any corrections or other suggestions to flesh this out (e.g., with more mining info) as soon as possible (it is still shorter than what Matt had requested), as I would like to turn around a new draft tomorrow AM.

Thanks all,
R

Robert Stachowiak
U.S. Environmental Protection Agency
Acting Associate Deputy General Counsel
Office of General Counsel (2310A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

AMERICAN OVERSIGHT

Message

From: Allnutt, David [Allnutt.David@epa.gov]
Sent: 5/30/2019 12:16:19 AM
To: Holsman, Marianne [Holsman.Marianne@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
Subject: RE: Lee Matt BB visit statement draft 5-29-19_ACP.docx
Attachments: Lee Matt BB visit statement draft 5-29-19_ACP (002)-da-mh-ap.docx

My thoughts added to MH's and AP's.

R. David Allnutt, Director
Laboratory Services and Applied Science Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Holsman, Marianne
Sent: Wednesday, May 29, 2019 4:31 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Subject: Lee Matt BB visit statement draft 5-29-19_ACP.docx

Minor edits from me…Allyn and David, we need your thoughts.

AMERICAN OVERSIGHT

Message

From: Holsman, Marianne [Holsman.Marianne@epa.gov]
Sent: 5/29/2019 11:30:38 PM
To: Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
Subject: Lee Matt BB visit statement draft 5-29-19_ACP.docx
Attachments: Lee Matt BB visit statement draft 5-29-19_ACP.docx

Minor edits from me…Allyn and David, we need your thoughts.

AMERICAN OVERSIGHT

To: Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Stern, Allyn[Stern.Allyn@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]
Cc: Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Wed 5/29/2019 11:05:54 PM (UTC)
Subject: RE: Alaska trip -- messages -- please review!
Lee Matt BB visit statement draft 5-29-19_ACP.docx

Hi Suzanne – thanks for putting this together. My thoughts are attached.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Skadowski, Suzanne
Sent: Wednesday, May 29, 2019 3:11 PM
To: Stern, Allyn <Stern.Allyn@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Alaska trip -- messages -- please review!

Hi Allyn,

Attached: First draft attempt at overall message plus Q&As.

Could really use the team's help with drafting talking points for Matt's & Lee's stakeholder and tribal meetings.

Ex. 5 Deliberative Process (DP)

But I welcome any and all suggestions!

Thanks!

Suzanne

-----Original Message-----
From: Stern, Allyn
Sent: Tuesday, May 28, 2019 2:56 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: Alaska trip

Suzanne - if you haven't already, can you put together some talking points for Chris and Matt for the trip? Ashley Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Allyn Stern
Regional Counsel
US EPA Region 10
206-553-1223
stern.allyn@epa.gov

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/14/2019 7:51:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]

Subject: FW: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
End: 6/17/2019 10:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Fotouhi, David
Sent: Thursday, June 13, 2019 9:42 AM
To: Fotouhi, David; Neugeboren, Steven; Goodin, John; Allnutt, David; Wehling, Carrie; Nalven, Heidi; Palomaki, Ashley; Hoppe, Allison; Marshall, Tom; McGrath, Patricia; LaCroix, Matthew; Kaiser, Russell; Hough, Palmer; Stern, Allyn
Cc: Young, Teresa; Patrick, Monique; Schofield, Kate
Subject: Discuss Pebble Mine 404 comment letter
When: Monday, June 17, 2019 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/14/2019 7:51:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Ebersole, Joe [Ebersole.Joe@epa.gov]

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Sent: 6/14/2019 7:51:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]

Subject: FW: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
End: 6/17/2019 10:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Fotouhi, David
Sent: Thursday, June 13, 2019 9:42 AM
To: Fotouhi, David; Neugeboren, Steven; Goodin, John; Allnutt, David; Wehling, Carrie; Nalven, Heidi; Palomaki, Ashley; Hoppe, Allison; Marshall, Tom; McGrath, Patricia; LaCroix, Matthew; Kaiser, Russell; Hough, Palmer; Stern, Allyn
Cc: Young, Teresa; Patrick, Monique; Schofield, Kate
Subject: Discuss Pebble Mine 404 comment letter
When: Monday, June 17, 2019 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/14/2019 7:51:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: FW: Discuss Pebble Mine 404 comment letter
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Cc: Young, Teresa; Patrick, Monique; Schofield, Kate
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AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/14/2019 7:51:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Ebersole, Joe [Ebersole.Joe@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; McCracken, Betsy W. [mccracken.betsy@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]

Subject: FW: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
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Cc: Young, Teresa; Patrick, Monique; Schofield, Kate
Subject: Discuss Pebble Mine 404 comment letter
When: Monday, June 17, 2019 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/14/2019 7:51:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]

Subject: FW: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
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AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 6/14/2019 7:51:34 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
CC: Young, Teresa [Young.Teresa@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; Schofield, Kate [Schofield.Kate@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]

Subject: FW: Discuss Pebble Mine 404 comment letter
Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 6/17/2019 9:00:00 PM
End: 6/17/2019 10:00:00 PM
Show Time As: Tentative

AMERICAN OVERSIGHT

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Vaughan, Molly[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=89EEE45FCEA246B78BBBB46014FE7B12-VAUGHAN, MOLLY]
Sent: Mon 7/1/2019 11:45:37 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

Here is the email address from the pebble project website for transmitting a pdf of the comment letters (I assume this email box is for both the NEPA comments and 404 comments).

drafteis@comments.pebbleprojecteis.com

From: Palomaki, Ashley
Sent: Monday, July 01, 2019 2:57 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Gahner, Pamela <gahner.pamela@epa.gov>
Cc: Vaughan, Molly <Vaughan.Molly@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Sure.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Allnutt, David
Sent: Monday, July 01, 2019 3:54 PM
To: Gahner, Pamela <gahner.pamela@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters

Pam – this is the second letter and enclosure. Please identify Ashley as the author and the subject as "Pebble Mine CWA § 404 Public Notice Comments." Same concurrers as on the NEPA letter.

Ashley – could you go to 21 and make sure that correct versions are going out? I have a meeting in the REOC on 13 that I need to attend at 4pm. Can be reached on my cell.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Palomaki, Ashley
Sent: Monday, July 01, 2019 3:49 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Okay – 404 enclosure is attached. I can print and read but it doesn't seem like we have time for that.

AMERICAN OVERSIGHT

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Allnutt, David
Sent: Monday, July 01, 2019 3:46 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

No better ideas from me.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Palomaki, Ashley
Sent: Monday, July 01, 2019 3:40 PM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

AMERICAN OVERSIGHT

From: Vaughan, Molly

Sent: Monday, July 01, 2019 3:13 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Hi David,
Here are the clean versions of the NEPA cover letter and enclosure, incorporating all of the track changes and some minor additional edits to formatting/punctuation in the enclosure.

Please let me know if there is anything else I can do to assist with getting these letters to the finish line.

Thanks,
Molly

From: Allnutt, David
Sent: Monday, July 01, 2019 1:42 PM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters

M&A -- Can you make these changes and send the resulting Word versions of the cover letters to me?

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Monday, July 01, 2019 2:36 PM
To: Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

I have nothing further on the NEPA cover letter. In the 404 cover letter, the end of the first paragraph should read "

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I am reviewing the revised draft enclosures now and send any comments in a separate email shortly.

AMERICAN OVERSIGHT

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

David and Matt – per your request, I'm transmitting the attached versions of the NEPA and 404 letters (and enclosures) that identify where the letters diverge from the edits we received from you (per the email transmittal below) last Friday.

We have attempted to include in comment bubbles the rationale for diverging from the last versions and your latest edits to those versions. (Where we have accepted your latest edits, we have simply accepted the change in Word, so these accepted edits do not appear as redlined text).

Please let me know if any of the modifications described in these documents present concerns for you.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi r Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: Wehling, Carrie[Wehling.Carrie@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]
From: Nalven, Heidi[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: Fri 7/12/2019 9:16:15 PM (UTC)
Subject: Draft meeting records
Bristol Bay External Meeting Record - PLP meeting 5.15.19.docx
Bristol Bay External Meeting Record - Meeting 6.18.2019.docx
Bristol Bay External Meeting Record - Trout Unlimited 6.7.19.docx

Carrie/Steve – Attached are draft records of the three meetings attended by WLO staff relating to Pebble. I wanted to make sure others who attended the meetings had an opportunity to look at the draft meeting records to ensure accuracy before I share them with R10 (who is maintaining all of the records).

Note that the meeting on June 18, 2019 indicates that it was with the Earth & Water Law Group. I googled that group and it appears that the attendees at the actual meeting were not from that organization. As a result, I do now know who requested the meeting. Should I check with Fletcher?

Thanks,
Heidi

AMERICAN OVERSIGHT

Template for Meeting Record

TITLE
Topic: Pebble Mine
Meeting date: June 18, 2019
Who requested the meeting?: Outside groups [Note invited indicates that meeting was with Earth & Water Law Group but that was not the case.]
Location: EPA HQ
List of outside individuals or organizations that attended (including affiliation): • Andrew Sabin, Sabin Metal Corporation • Collin O'Mara, National Wildlife Federation • McKie Campbell, Blue Water Strategies LLC
Did EPA decide which Individuals or organizations would attend?: No
List of EPA attendees: • Matthew Leopold • David Fotouhi • Steven Neugeboren • Carrie Wehling • Heidi Nalven
Was there an agenda: No
Did EPA/outside individuals or organizations set the agenda? N/A
Did EPA/outside individuals or organizations run the meeting? Outside groups led the discussion.
Summary of topics discussed (including individual advice/feedback provided to Agency): **Please include one or two sentences for each topic. This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.* McKie Campbell • Stated that PLP's DEIS was deficient, specifically regarding issues relating to tailings pile. Andy Sabin • Asked EPA to issue a new or revised proposed determination. • Stated that EIS needs to assess entire mind and climate change impacts. Collin O'Mara • Stated that Corps needs to consider ESA.
Were next steps/follow-up discussed? No.
Were materials provided? Not in the meeting. Indicated may send materials to Matt via email after discussion. **If yes, please indicate who provided the materials and attach materials with this form.*

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Template for Meeting Record

TITLE
Topic: Pebble Mine
Meeting date: May 15, 2019
Who requested the meeting?: Ballard Partners on behalf of Pebble Limited Partnership
Location: EPA HQ
List of outside individuals or organizations that attended (including affiliation): • Tom Collier, Pebble Limited Partnership • Peter Robertson, Pebble Limited Partnership • Ronald J. Tempas, Vinson & Elkins • Sylvester Lukis, Ballard Partners • Brian Ballard, Ballard Partners
Did EPA decide which Individuals or organizations would attend?: No
List of EPA attendees: • Matthew Leopold • David Fotouhi • Carrie Wehling • Heidi Nalven
Was there an agenda: No
Did EPA/outside individuals or organizations set the agenda? N/A
Did EPA/outside individuals or organizations run the meeting? Tom Collier led the discussion.
Summary of topics discussed (including individual advice/feedback provided to Agency): **Please include one or two sentences for each topic. This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.* Tom Collier • Asked EPA to remove the 404(c) proposed determination now without more process. • Asked EPA to cancel the June 2019 visit. • **Ex. 4 CBI - see ED_002890_00161880 for version without CBI** • Stated that Governor supports project and that EIS indicates that the mine would not cause damage to the fishery.
Were next steps/follow-up discussed? No.
Were materials provided? No **If yes, please indicate who provided the materials and attach materials with this form.*

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

To: Kirby, Kevin[KIRBY.KEVIN@EPA.GOV]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Mon 8/12/2019 3:28:09 PM (UTC)
Subject: FW: BBWA Request for Correction - Follow-up

Just so you know – I've been nagging my front office about this (see below) but haven't heard anything back....

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Wehling, Carrie
Sent: Monday, August 12, 2019 8:20 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; 'Steven Neugeboren' <Neugeboren.Steven@epa.gov>
Subject: RE: BBWA Request for Correction - Follow-up

FYI, OEI has also signed off on the draft I sent Friday – they are holding for signature until I get a thumbs up from you (and Matt, if necessary). Thanks.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Wehling, Carrie
Sent: Friday, August 09, 2019 9:25 AM
To: Fotouhi, David <fotouhi.david@epa.gov>
Cc: Nalven, Heidi <Nalven.Heidi@epa.gov>; Steven Neugeboren <Neugeboren.Steven@epa.gov>
Subject: RE: BBWA Request for Correction - Follow-up

Hi, David. Here's a redline and clean version of the revised response to the CEI request for correction on BBWA/PD relating to Pebble Mine. Do you want to review before I send it to Matt?
Has been reviewed by Heidi, Palmer and Tracy Sheppard (discussed with OEI staff and sent to them for review but have not heard back from them).
Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Sent: Thursday, August 08, 2019 11:02 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Gonder, Sharon <Gonder.Sharon@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>

AMERICAN OVERSIGHT

Subject: FW: BBWA Follow-up

Hi Matt,
I have been advised to coordinate with you on this response we've developed for CEI concerning the BBWA request for correction. I would be most grateful for your input as we try to get this note out this week.
Thanks,
Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Gonder, Sharon <Gonder.Sharon@epa.gov>
Sent: Wednesday, August 7, 2019 9:04 AM
To: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Subject: FW: BBWA Follow-up

FYI

Sharon Gonder | Acting Deputy Office Director
Office of Enterprise Information Programs
Office of Mission Support | U.S. Environmental Protection Agency
(202) 564-5256 | gonder.sharon@epa.gov

From: Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Sent: Wednesday, August 07, 2019 7:48 AM
To: Holloman, Vincia <Holloman.Vincia@epa.gov>; Gonder, Sharon <Gonder.Sharon@epa.gov>
Cc: Wells, Jeffrey <Wells.jeffrey@epa.gov>
Subject: BBWA Follow-up

All,

Ex. 5 Deliberative Process (DP)

Please make sure we coordinate with OGC on the review. I would like to have this completed this week.

Thank you
Vaughn

Vaughn Noga, Chief Information Officer
and Deputy Assistant Administrator for Environmental Information
Office of Mission Support
U.S. Environmental Protection Agency
1200 Pennsylvania Ave
Washington DC 20460

AMERICAN OVERSIGHT

To: Kirby, Kevin[KIRBY.KEVIN@EPA.GOV]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Gonder, Sharon[Gonder.Sharon@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Thur 8/8/2019 6:03:37 PM (UTC)
Subject: RE: BBWA Follow-up

Thank you, Kevin. I will shortly send you some revisions that reflect the discussion Ex. 5 Deliberative Process (DP) had about this response.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Sent: Thursday, August 08, 2019 11:02 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Gonder, Sharon <Gonder.Sharon@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: BBWA Follow-up

Hi Matt,
I have been advised to coordinate with you on this response we've developed for CEI concerning the BBWA request for correction. I would be most grateful for your input as we try to get this note out this week.
Thanks,
Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Gonder, Sharon <Gonder.Sharon@epa.gov>
Sent: Wednesday, August 7, 2019 9:04 AM
To: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Subject: FW: BBWA Follow-up

FYI

Sharon Gonder | Acting Deputy Office Director
Office of Enterprise Information Programs
Office of Mission Support | U.S. Environmental Protection Agency
(202) 564-5256 | gonder.sharon@epa.gov

From: Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Sent: Wednesday, August 07, 2019 7:48 AM
To: Holloman, Vincia <Holloman.Vincia@epa.gov>; Gonder, Sharon <Gonder.Sharon@epa.gov>
Cc: Wells, Jeffrey <Wells.jeffrey@epa.gov>
Subject: BBWA Follow-up

AMERICAN OVERSIGHT

All,

Ex. 5 Deliberative Process (DP)

Please make sure we coordinate with OGC on the review. I would like to have this completed this week.

Thank you
Vaughn

Vaughn Noga, Chief Information Officer
and Deputy Assistant Administrator for Environmental Information
Office of Mission Support
U.S. Environmental Protection Agency
1200 Pennsylvania Ave
Washington DC 20460

AMERICAN OVERSIGHT

To: Nalven, Heidi[Nalven.Heidi@epa.gov]; Sheppard, Tracy[Sheppard.Tracy@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Thur 8/8/2019 6:01:47 PM (UTC)
Subject: FW: BBWA RFC Follow-up
Bristol Bay. response to CEI RFC.docx

Here's my quick attempt to revise the OEI draft. Any thoughts on this?

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Thursday, August 08, 2019 12:31 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: BBWA Follow-up

Yes, can you take a stab at the revisions. Thanks

Matthew Z. Leopold
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Thursday, August 8, 2019 12:09 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: BBWA Follow-up

Ex. 5 Deliberative Process (DP)

If you agree, I can send revisions to Kevin to reflect this.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Sent: Thursday, August 08, 2019 11:02 AM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Gonder, Sharon <Gonder.Sharon@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: BBWA Follow-up

INVESTIGATIVE OVERSIGHT

Hi Matt,
I have been advised to coordinate with you on this response we've developed for CEI concerning the BBWA request for correction. I would be most grateful for your input as we try to get this note out this week.
Thanks,
Kevin

Kevin J. Kirby
Enterprise Data Architect
US Environmental Protection Agency

OEI/OEIP/EQMD
202 566-1656 desk

From: Gonder, Sharon <Gonder.Sharon@epa.gov>
Sent: Wednesday, August 7, 2019 9:04 AM
To: Kirby, Kevin <KIRBY.KEVIN@EPA.GOV>
Subject: FW: BBWA Follow-up

FYI

Sharon Gonder | Acting Deputy Office Director
Office of Enterprise Information Programs
Office of Mission Support | U.S. Environmental Protection Agency
(202) 564-5256 | gonder.sharon@epa.gov

From: Noga, Vaughn <Noga.Vaughn@EPA.GOV>
Sent: Wednesday, August 07, 2019 7:48 AM
To: Holloman, Vincia <Holloman.Vincia@epa.gov>; Gonder, Sharon <Gonder.Sharon@epa.gov>
Cc: Wells, Jeffrey <Wells.jeffrey@epa.gov>
Subject: BBWA Follow-up

All,

Ex. 5 Deliberative Process (DP)

Please make sure we coordinate with OGC on the review. I would like to have this completed this week.

Thank you
Vaughn

Vaughn Noga, Chief Information Officer
and Deputy Assistant Administrator for Environmental Information
Office of Mission Support
U.S. Environmental Protection Agency
1200 Pennsylvania Ave
Washington DC 20460

AMERICAN OVERSIGHT

To: Nalven, Heidi[Nalven.Heidi@epa.gov]
From: Wehling, Carrie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: Wed 12/19/2018 2:46:42 PM (UTC)
Subject: RE: Review: Pebble Limited Partnership CMS Response

Your language is much better. Thanks.

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Nalven, Heidi
Sent: Wednesday, December 19, 2018 8:30 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Review: Pebble Limited Partnership CMS Response

Hi Carrie – I was going to send this to David, but something jumped out at me when I read the latest draft (sorry for not catching it earlier) Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

++++

Ex. 5 Deliberative Process (DP)

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

From: Hough, Palmer
Sent: Tuesday, December 18, 2018 6:22 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

Brian

R10 was ok with John's edits. Attached is the revised clean version for John to share with Lee.

-Palmer

From: Frazer, Brian
Sent: Tuesday, December 18, 2018 12:55 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Review: Pebble Limited Partnership CMS Response

AMERICAN OVERSIGHT

John has the draft. He will let me know later today if he has any comments.

bf

From: Hough, Palmer
Sent: Tuesday, December 18, 2018 12:46 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: FW: Review: Pebble Limited Partnership CMS Response
Importance: High

Brian/Russ

I'm following up on this request for HQ review of the attached draft CMS response from R10 to Pebble. Did you have edits? Has this moved forward to John and Lee yet?

Please advise.

Thanks, Palmer

From: Hough, Palmer
Sent: Friday, December 14, 2018 3:45 PM
To: Kaiser, Russell <Kaiser.Russell@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Cc: Bennett, Brittany <bennett.brittany@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: Review: Pebble Limited Partnership CMS Response
Importance: High

Brian/Russ

Attached is a draft response for Chris Hladick to a 12/5/18 letter from Pebble to Wheeler (also attached). Pebble requests we withdraw the PD and explains why it thinks EPA should withdraw it.

R10 is seeking OW input on its proposed response. Please let me and Brittany know if you have any edits and how best to get this in front of Lee as soon as possible. The current due date is 12/21 but R10 has requested an extension to allow time for OW review.

Thanks, Palmer

Palmer Hough, Environmental Scientist
office: 202.566.1374

Office of Wetlands, Oceans, and Watersheds
U.S. EPA Headquarters (MC 4504T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

AMERICAN OVERSIGHT

Message

From: Voyles, Travis [Voyles.Travis@epa.gov]
Sent: 8/1/2019 1:59:09 PM
To: Willey, Katharine [willey.katharine@epa.gov]
CC: Braid, Duncan [braid.duncan@epa.gov]
Subject: Fwd: MEDIA RELEASE: Chairs DeFazio, Napolitano Respond to EPA's Decision to Streamline Approval for Pebble Mine

Sent from my iPhone

Begin forwarded message:

From: "Rodrick, Christian" <rodrick.christian@epa.gov>
Date: August 1, 2019 at 9:27:38 AM EDT
To: "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Kolb, John (JohnMark)" <kolb.john@epa.gov>, "Voyles, Travis" <Voyles.Travis@epa.gov>
Subject: FW: MEDIA RELEASE: Chairs DeFazio, Napolitano Respond to EPA's Decision to Streamline Approval for Pebble Mine

For your awareness, please see below statement from DeFazio and Napolitano re. Pebble.

Thanks,

Christian Rodrick
(202) 564-4828

From: Sandy, Bayley <Bayley.Sandy@mail.house.gov>
Sent: Thursday, August 1, 2019 9:25 AM
To: Sandy, Bayley <Bayley.Sandy@mail.house.gov>
Subject: MEDIA RELEASE: Chairs DeFazio, Napolitano Respond to EPA's Decision to Streamline Approval for Pebble Mine

The House Committee on
Transportation & Infrastructure
Chairman Peter A. DeFazio

FOR IMMEDIATE RELEASE: AUGUST 1, 2019
CONTACT:
Bayley Sandy (DeFazio), 202-225-4472
Jerry O'Donnell (Napolitano), 202-225-5256

AMERICAN OVERSIGHT

Chairs DeFazio, Napolitano Respond to EPA's Decision to Streamline Approval for Pebble Mine

WASHINGTON, D.C. – Today, Chair of the House Committee on Transportation and Infrastructure Peter DeFazio (D-OR) and Chair of the Subcommittee on Water Resources and Environment Grace F. Napolitano (D-CA) responded to the U.S. Environmental Protection Agency's (EPA) decision to withdraw the proposed determination under Section 404(c) of the Clean Water Act for the use of the Pebble Mine project in Alaska.

"We have serious concerns about the shell game the Trump administration is playing to approve the Pebble Mine Project," said the Members. "If approved, this would be the largest open pit mine ever constructed in North America, and could conservatively generate almost 12 billion gallons of contaminated wastewater every year for the foreseeable future. The Administration is once again putting private industry wants at the top of its agenda, risking the health and safety of our nation's ecosystem and the destruction of the nation's most productive salmon habitat. The proposed location of this mine is one of the last pristine environments remaining in the nation, and its protection is critical to local native villages, to the fishers and businesses that rely on the salmon run for their livelihood, and to future generations. A project of this size and impact must require a comprehensive review, and this Administration appears to be either knowingly or negligently obscuring the true scale of this project to expedite its approval. We plan to hold hearings in the fall to expose the risks of this stunning reversal in policy."

In July 2018, DeFazio and Senate Committee on Environment and Public Works Ranking Member Tom Carper (D-DE) sent a letter requesting an update on EPA's environmental review of the proposed Pebble Mine project in Alaska, among other things. That letter can be found here.

--30--

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 8/22/2019 7:46:32 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]
CC: Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]; Penman, Crystal [Penman.Crystal@epa.gov]; Patrick, Monique [Patrick.Monique@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]

Subject: Next Steps on Pebble 404(q) Engagement/OGC-VMR Info Below
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 9/3/2019 7:00:00 PM
End: 9/3/2019 8:00:00 PM
Show Time As: Busy

- Video Conferencing: dial **Ex. 6 Personal Privacy (PP)**

AMERICAN OVERSIGHT

Message

From: Nalven, Heidi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: 3/21/2019 9:27:16 PM
To: Nalven, Heidi [Nalven.Heidi@epa.gov]
Attachments: Timing Considerations related to Bristol Bay 404 activities_ 032119_HN.docx

Heidi Nalven
U.S. EPA Office of General Counsel
202-564-3189

AMERICAN OVERSIGHT

To: Patheal, Bella[Patheal.Bella@epa.gov]; Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Grandinetti, Cami[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A913B4FE8AED4D16BE462417A78D8261-GRANDINETTI, CARMELA]
Sent: Fri 8/23/2019 11:04:27 PM (UTC)
Subject: CMS response
Woodrum email response CMS.docx
Valeta response CMS.docx

Bella—I am headed to Austin, TX next week and have drafts of the two CMS responses. These are not due until the week after next—so we have time to get input from Ashley (who I've copied on this email). Please check in with Ashley to see if she has any comments on these before finalizing. You can sign off for me when Ashely weighs in. Thanks so much!

Cami Grandinetti
Branch Manager
Standards, Assessment, and Watershed Management Branch
US EPA
1200 6th Avenue, Suite 155
Seattle, Wa. 98101
(206) 553-8696 (desk)
Ex. 6 Personal Privacy (PP) (cell)

AMERICAN OVERSIGHT

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]
From: Grandinetti, Cami[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A913B4FE8AED4D16BE462417A78D8261-GRANDINETTI, CARMELA]
Sent: Thur 8/22/2019 8:27:21 PM (UTC)
Subject: can you review this CMS response?
AK Native Corp CMS Response.docx
07292019 Bristol Bay_Dispute Resolution Prosess.pdf

It was due August 12 and Erik and I both missed it. I'll also attach the incoming letter. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thanks!

Cami Grandinetti
Branch Manager
Standards, Assessment, and Watershed Management Branch
US EPA
1200 6th Avenue, Suite 155
Seattle, Wa. 98101
(206) 553-8696 (desk)
Ex. 6 Personal Privacy (PP) (cell)

AMERICAN OVERSIGHT

To: Wright, Garth[wright.garth@epa.gov]
Cc: Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Thur 11/29/2018 9:48:39 PM (UTC)
Subject: RE: Wheeler recusal
BBEDC Meeting Notes 9.12.2018 RLK.docx
Bristol Bay Meeting Notes 11.14.2018 RLK (002).docx

Here is the information I have (which comes from statements that political are making in meetings with third parties). See one set of notes where Lee Forsgren says that the Acting Admin has recused himself (statement made in September) and a second set where Lee Forsgren says its unclear who will be the decision maker (statement made in November).

I'm not aware of a separate letter.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Wright, Garth
Sent: Thursday, November 29, 2018 1:41 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: RE: Wheeler recusal

I'm following up with HQ Ethics to determine if there are any financial conflicts. Cara said a different political had a letter stating Wheeler was recused from Pebble. Is that right and if so do you have that letter?

From: Palomaki, Ashley
Sent: Wednesday, November 28, 2018 3:21 PM
To: Wright, Garth <wright.garth@epa.gov>
Subject: RE: Wheeler recusal

Ex. 5 Attorney Client (AC)

Thanks for jumping on this so quickly.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, ORC-113
Seattle, WA 98101
206-553-8582

From: Wright, Garth
Sent: Wednesday, November 28, 2018 2:11 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: Wheeler recusal

This is his recusal statement **Ex. 5 Attorney Client (AC)**

AMERICAN OVERSIGHT
Ex. 5 Attorney Client (AC)

Garth Wright
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, ORC-113
Seattle, WA 98101
Tel: 206-553-1104
Fax: 206-553-1762

AMERICAN OVERSIGHT

EPA Deputy AA Meeting with PLP
Topic: Bristol Bay
Meeting Date: Nov 14, 2018
Location: EPA HQ (Washington, DC)
List of Third Party Attendees (including affiliation): • Abe Williams, The Pebble Partnership (PLP) • Chasity Anelon, PLP • Rhiannon Nanabook, PLP • Ventura Sumanigo, Kijik • Brad Angasan, ADC • Krista Williams, BBNC Shareholder • Shannon Johnson-Nanabook, Iliamna
Did EPA decide which third parties would attend?: No.
List of EPA Attendees: • Lee Forsgren • Brian Frazer • Russ Kaiser
Agenda: Status of Bristol Bay PD
Did EPA/Third Party Set the Agenda?: Third Party, Abe Williams
Did EPA/Third Party Run the Meeting: Meeting ran as a conversation
Notes from Discussion (including individual advice/feedback provided to Agency): EPA Notes (Forsegren): • We will stay on current path, noting there are no immediate actions for EPA to take with respect to the (c) action. • We will remain engaged in the NEPA process as it relates to our mission. • We will continue to be transparent and listen to views from interested parties. • We will use the NEPA document findings and latest science to inform our ultimate decision on the (c) action - we will use facts to support our decision. • We don't know what the final decision will be at this time and reminded them that there is no pre-judged outcome for the action. • Lee will be the lead for OW, and it is not clear at this time if the Acting Administrator or Henry Darwin will be the decision-maker. Third Party Summary Notes: • Requested EPA to please remove the pending (c) action as it is creating investor uncertainties, which is creating a lower growth rate in needed jobs in the area and likely eliminating future jobs as a consequence of not taking an action. Also, potentially causing other community issues. • Looming veto inhibits Corps from completing NEPA process. Lee F clarified that (c) action only prevents Corps from making final permit decision. They can complete NEPA ROD. • Salmon initiative failed … need to consider that in your findings. • BBNC doesn't represent all positions for the AK Natives.
Next Steps/Follow-up Discussed: Request for Lee to convey meeting summary highlights with decision-makers. Lee indicated he would do so when he had the opportunity to do so.

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

To: Grandinetti, Cami[Grandinetti.Cami@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Fri 8/23/2019 4:08:12 AM (UTC)
Subject: RE: can you review this CMS response?
AK Native Corp CMS Response_ACP.docx

Hi Cami – Thanks! My edits are attached. Let me know if you have any questions.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Grandinetti, Cami <Grandinetti.Cami@epa.gov>
Sent: Thursday, August 22, 2019 1:27 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Subject: can you review this CMS response?

It was due August 12 and Erik and I both missed it. I'll also attach the incoming letter. Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Thanks!

Cami Grandinetti
Branch Manager
Standards, Assessment, and Watershed Management Branch
US EPA
1200 6th Avenue, Suite 155
Seattle, Wa. 98101
(206) 553-8696 (desk)
Ex. 6 Personal Privacy (PP) (cell)

AMERICAN OVERSIGHT

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Allnutt, David[Allnutt.David@epa.gov]
From: Baca, Andrew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4F4BB31FB6E94C0AA9756706CC1C888C-BACA, ANDREW]
Sent: Mon 7/1/2019 11:16:21 PM (UTC)
Subject: RE: Pebble draft 404 and DEIS letters

David – Ashley and I have signed the concurrence cover sheets. Pam has put the letters and enclosures together for MP.

From: Palomaki, Ashley
Sent: Monday, July 1, 2019 3:57 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Gahner, Pamela <gahner.pamela@epa.gov>
Cc: Vaughan, Molly <Vaughan.Molly@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Sure.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Allnutt, David
Sent: Monday, July 01, 2019 3:54 PM
To: Gahner, Pamela <gahner.pamela@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters

Pam – this is the second letter and enclosure. Please identify Ashley as the author and the subject as "Pebble Mine CWA § 404 Public Notice Comments." Same concurrers as on the NEPA letter.

Ashley – could you go to 21 and make sure that correct versions are going out? I have a meeting in the REOC on 13 that I need to attend at 4pm. Can be reached on my cell.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Palomaki, Ashley
Sent: Monday, July 01, 2019 3:49 PM
To: Allnutt, David <Allnutt.David@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Okay – 404 enclosure is attached. I can print and read but it doesn't seem like we have time for that.

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel

AMERICAN OVERSIGHT

1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Allnutt, David
Sent: Monday, July 01, 2019 3:46 PM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

No better ideas from me.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Palomaki, Ashley
Sent: Monday, July 01, 2019 3:40 PM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Assistant Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Vaughan, Molly
Sent: Monday, July 01, 2019 3:13 PM
To: Allnutt, David <Allnutt.David@epa.gov>
Cc: Palomaki, Ashley <Palomaki.Ashley@epa.gov>

AR-EPA-AM OVERSIGHT

Subject: RE: Pebble draft 404 and DEIS letters

Hi David,
Here are the clean versions of the NEPA cover letter and enclosure, incorporating all of the track changes and some minor additional edits to formatting/punctuation in the enclosure.

Please let me know if there is anything else I can do to assist with getting these letters to the finish line.

Thanks,
Molly

From: Allnutt, David
Sent: Monday, July 01, 2019 1:42 PM
To: Vaughan, Molly <Vaughan.Molly@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Szerlog, Michael <Szerlog.Michael@epa.gov>
Subject: FW: Pebble draft 404 and DEIS letters

M&A -- Can you make these changes and send the resulting Word versions of the cover letters to me?

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Monday, July 01, 2019 2:36 PM
To: Allnutt, David <Allnutt.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

I have nothing further on the NEPA cover letter. In the 404 cover letter, the end of the first paragraph should read: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I am reviewing the revised draft enclosures now and send any comments in a separate email shortly.

Best,
David

AMERICAN OVERSIGHT

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Allnutt, David
Sent: Monday, July 1, 2019 4:28 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Marshall, Tom <marshall.tom@epa.gov>; Hoppe, Allison <hoppe.allison@epa.gov>; Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Vaughan, Molly <Vaughan.Molly@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

David and Matt – per your request, I'm transmitting the attached versions of the NEPA and 404 letters (and enclosures) that identify where the letters diverge from the edits we received from you (per the email transmittal below) last Friday.

We have attempted to include in comment bubbles the rationale for diverging from the last versions and your latest edits to those versions. (Where we have accepted your latest edits, we have simply accepted the change in Word, so these accepted edits do not appear as redlined text).

Please let me know if any of the modifications described in these documents present concerns for you.

R. David Allnutt, Acting Director
Superfund & Emergency Management Division
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, Washington 98101-3123
(206) 553-2581

From: Fotouhi, David
Sent: Friday, June 28, 2019 2:18 PM
To: McGrath, Patricia <mcgrath.patricia@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: Pebble draft 404 and DEIS letters

DELIBERATIVE—DO NOT RELEASE

Attached are drafts of the two cover letters and enclosures with comments and edits. Matt is continuing his review and may have additional edits to the cover letters. If you have questions regarding any of the changes, let me know. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I'm out of the office next week, but available by email.

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Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks again for your continued hard work on these.

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: McGrath, Patricia
Sent: Friday, June 21, 2019 6:23 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Fotouhi, David <Fotouhi.David@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Allnutt, David <Allnutt.David@epa.gov>
Subject: Pebble draft 404 and DEIS letters

Hello Matt –

David Allnutt is out today and asked that I send forward to you the refined drafts of the Pebble Project DEIS and 404 comment cover letters and enclosures, which are attached.

The cover letters and enclosures have been revised based on input from you and David Fotouhi Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The cover letters, similar to the June 7 drafts, include text that Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The schedule is also attached to this message. Milestones that have passed are noted in green text. As the final letters will be sent from the Regional Administrator, we request receipt of any additional edits before July 1st in order to route the final letters to the RA.

Please let us know if you have questions as you review these materials.

Best Regards

Patty

Patty McGrath | Mining Advisor
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Seattle, WA 98101
M/S: 14-D12
Office: (206) 553-6113
Cell: Ex. 6 Personal Privacy (PP)
mcgrath.patricia@epa.gov

AMERICAN OVERSIGHT

To: Kime, Robin[Kime.Robin@epa.gov]
Cc: Lovell, Will (William)[lovell.william@epa.gov]
From: Tomiak, Robert[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E43D67FE354A4D06BE80AFA6EB65E614-TOMIAK, ROB]
Sent: Mon 5/13/2019 12:56:52 PM (UTC)
Subject: RE: Pebble interim drafts

Ex. 5 Deliberative Process (DP)

Thanks, Rob

From: Kime, Robin
Sent: Monday, May 13, 2019 8:45 AM
To: Tomiak, Robert <tomiak.robert@epa.gov>
Cc: Lovell, Will (William) <lovell.william@epa.gov>
Subject: RE: Pebble interim drafts

Thanks Rob,
As currently drafted, how do the letters line up with with Brittany's sentiments?

From: Tomiak, Robert
Sent: Monday, May 13, 2019 8:39 AM
To: Kime, Robin <Kime.Robin@epa.gov>; Lovell, Will (William) <lovell.william@epa.gov>
Subject: FW: Pebble interim drafts

FYSA, Rob

From: Allnutt, David
Sent: Friday, May 10, 2019 8:47 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Cc: Hladick, Christopher <hladick.christopher@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Stern, Allyn <Stern.Allyn@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Pebble interim drafts

Matt - Per your request, attached to this message are interim drafts of the draft EIS and 404 comment letters (and enclosures). I think that you're aware that the Corps has extended to deadline to comment on the draft EIS to July 1 and District Regulatory Director has stated publicly (and has assured me personally) that the 404 comment deadline will be similarly extended to be coextensive.

Ex. 5 Deliberative Process (DP)

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<< File: NEPA Cover Letter for GC.docx >> << File: NEPA Enclosure for GC.docx >> << File: 404 Cover Letter for GC.docx >> << File: 404 Enclosure for GC.docx >>

<< OLE Object: Picture (Device Independent Bitmap) >>	R. David Allnutt, Director Laboratory Services and Applied Science Division U.S. EPA, Region 10 1200 Sixth Avenue, Suite 155, 14-D12 Seattle, Washington 98101-3123 (206) 553-2581

AMERICAN OVERSIGHT

To: Grantham, Nancy[Grantham.Nancy@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]; Sauerhage, Maggie[Sauerhage.Maggie@epa.gov]
From: Goerke.Ariadne@epa.gov[Goerke.Ariadne@epa.gov]
Sent: Fri 12/27/2019 8:51:16 PM (UTC)
Subject: Fwd: Please see attached letter
PLP letter with attachment.pdf
ATT00001.htm

This is about use of the EPA Logo on Pebble Mine materials.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) cell)

Begin forwarded message:

From: "Blake, Wendy" <Blake.Wendy@epa.gov>
Date: December 27, 2019 at 3:35:51 PM EST
To: "Schwarz, Matthew" <Schwarz.Matthew@epa.gov>, "Albright, Scott" <Albright.Scott@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Willey, Katharine" <willey.katharine@epa.gov>, "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: FW: Please see attached letter

Please see the attached.

Kathrn – As discussed, see below - letter has been emailed to the company email and a certified copy of the letter has been sent.

Wendy

From: Blake, Wendy
Sent: Friday, December 27, 2019 3:31 PM
To: 'info@pebblepartnership.com' <info@pebblepartnership.com>
Subject: Please see attached letter

To whom it may concern:

Please direct the attached letter to Tom Collier. A hard copy of the attached has been sent via certified mail.

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 2 7 2019

OFFICE OF
GENERAL COUNSEL

Tom Collier
Chief Executive Officer
Pebble Limited Partnership
3201 C Street, Suite 505
Anchorage, AK 99503

Dear Mr. Collier,

Multiple colleagues of mine at the U.S. Environmental Protection Agency ("EPA" or "Agency") have recently directed me to a Pebble Limited Partnership advertisement that concerns the environmental impact statement (EIS) process currently underway for the proposed Pebble mine in Alaska. The advertisement prominently displays EPA's official Seal. A scanned copy of the advertisement is attached.

The distinctive, flower bloom design encircled by the words "United States Environmental Protection Agency" was formally adopted as the official Seal of EPA in Executive Order 11628, signed by President Nixon on October 18, 1971 ("Agency Seal"). Throughout the Agency's nearly five decades of existence, the Seal has served as the identifying trademark for EPA, its programs and activities, and is used only for the official purposes of the Agency. Except in very limited, strictly defined circumstances, the Agency does not authorize the Seal to be displayed by other persons, companies or organizations.

In examining the Pebble Limited Partnership advertisement, the official Agency Seal clearly appears on the bottom half of it, below a passage of text that directly references EPA, as well as the EIS process underway for the proposed Pebble mine. Displaying the Agency Seal in this manner, on your company's advertisement, web site or any other published materials diminishes the value of the Agency Seal as the identifying trademark of the Agency. It also casts doubt on the Agency's impartiality. The appearance of the Agency Seal in this context could confuse the public into mistakenly believing that the Agency approves of or endorses your Company's products, services or policy positions or is otherwise affiliated with your Company.

Therefore, I ask Pebble Limited Partnership to cease production, distribution and public display of the Agency Seal as it appears on the attached advertisement and from any other Pebble Limited Partnership materials (including Company websites) in which it appears, as soon as possible. I would appreciate an email response from you confirming that Pebble Limited Partnership has taken these actions.

AMERICAN OVERSIGHT

ED_002890B_00000085-00001 Bristol Bay/Pebble Mine 2019 FOIAs_Production011

Please let me know if you have any questions.

Sincerely,

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

Attachment

AMERICAN OVERSIGHT

AN OBJECTIVE REVIEW

The Draft Environmental Impact Statement (DEIS) provides an expert, independent, transparent review and scientific evaluation of Pebble.

It is a key part of the stringent NEPA permitting process, respected globally, even by organizations which oppose Pebble.



THE DRAFT EIS

- **Expert, objective, scientific evaluation of Pebble**
- **Assesses if Pebble is environmentally safe**
- **Created by USACE, EPA, and many other agencies**

WHO PRODUCED THE DRAFT EIS?

US Army Corps of Engineers

BSEE Bureau of Safety and Environmental Enforcement

PHMSA

Nondalton Tribal Council

CURYUNG TRIBAL COUNCIL

AMERICAN OVERSIGHT

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
From: Goerke.Ariadne@epa.gov[Goerke.Ariadne@epa.gov]
Sent: Fri 12/27/2019 8:46:01 PM (UTC)
Subject: Fwd: Please see attached letter
PLP letter with attachment.pdf
ATT00001.htm

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

Begin forwarded message:

From: "Blake, Wendy" <Blake.Wendy@epa.gov>
Date: December 27, 2019 at 3:35:51 PM EST
To: "Schwarz, Matthew" <Schwarz.Matthew@epa.gov>, "Albright, Scott" <Albright.Scott@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Willey, Katharine" <willey.katharine@epa.gov>, "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>, "Abboud, Michael" <abboud.michael@epa.gov>
Subject: FW: Please see attached letter

Please see the attached.

Kathrn – As discussed, see below - letter has been emailed to the company email and a certified copy of the letter has been sent.

Wendy

From: Blake, Wendy
Sent: Friday, December 27, 2019 3:31 PM
To: 'info@pebblepartnership.com' <info@pebblepartnership.com>
Subject: Please see attached letter

To whom it may concern:

Please direct the attached letter to Tom Collier. A hard copy of the attached has been sent via certified mail.

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

AMERICAN OVERSIGHT

To: Palomaki, Ashley[Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara[Steiner-Riley.Cara@epa.gov]; Opalski, Dan[Opalski.Dan@epa.gov]; Castanon, Lisa[Castanon.Lisa@epa.gov]; LaCroix, Matthew[LaCroix.Matthew@epa.gov]; Jensen, Amy A.[jensen.amy@epa.gov]
Cc: Fuld, John[Fuld.John@epa.gov]; Gordon, Brittney[Gordon.Brittney@epa.gov]; Klein, Melissa[Klein.Melissa@epa.gov]; Hackel, Angela[Hackel.Angela@epa.gov]; Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Cody, Meredith[cody.meredith@epa.gov]; Risley, David[Risley.David@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Bennett, Brittany[bennett.brittany@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Nalven, Heidi[Nalven.Heidi@epa.gov]; Hough, Palmer[Hough.Palmer@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Mon 2/3/2020 6:44:33 PM (UTC)
Subject: RE: MEDIA INQUIRY: Law360 story on Pebble Mine lawsuit
HQ News Release Bristol Bay Pebble Mine CWA 404c PD Withdrawal 7-30-2019.docx

Looping in team plus OW comms.

For HQ folks – HQ news release from last July on the PD withdrawal is attached, if helpful .

From: Skadowski, Suzanne
Sent: Monday, February 3, 2020 10:36 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Castanon, Lisa <Castanon.Lisa@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Jensen, Amy A. <jensen.amy@epa.gov>
Subject: MEDIA INQUIRY: Law360 story on Pebble Mine lawsuit

MEDIA INQUIRY

Re motion for summary judgment (attached), Pebble Mine PD withdrawal from NRDC, Bristol Bay EDC, Bristol Bay NA, UTBB, et al.

ORC – any comment, thoughts?

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Holsman, Marianne <Holsman.Marianne@epa.gov>
Sent: Monday, February 3, 2020 10:11 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Fwd: Law360 story on Pebble Mine lawsuit

FYI below.

Sent from my iPhone. Please excuse impolite brevity and typos.
Begin forwarded message:

> **From:** "Hackel, Angela" <Hackel.Angela@epa.gov>
> **Date:** February 3, 2020 at 9:51:52 AM PST
> **To:** "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>, "Cody, Meredith" <cody.meredith@epa.gov>, "Risley, David" <Risley.David@epa.gov>, "Fuld, John" <Fuld.John@epa.gov>, "Gordon, Brittney" <Gordon.Brittney@epa.gov>, "Klein, Melissa" <Klein.Melissa@epa.gov>, "Holsman, Marianne" <Holsman.Marianne@epa.gov>
> **Subject: FW: Law360 story on Pebble Mine lawsuit**
>
> Hello,

AMERICAN OVERSIGHT

We received the below. His deadline is 5:00 pm. Also, we have the Alaska Journal inquiry open (ddl is today). I would like to hear back by 4:00 on both. So that I can meet the deadlines. Please let me know, how you would like to respond.
Thanks!

Angela

From: jc.rodriguez@law360.com <jc.rodriguez@law360.com>
Sent: Monday, February 3, 2020 12:45 PM
To: Press <Press@epa.gov>
Subject: Law360 story on Pebble Mine lawsuit

Hi, I'm doing a story today on the attached motion for summary judgment, and am wondering if the EPA has any comment in response? I can add a comment until 5 p.m. EST today.

Thank you.

--
Juan Carlos Rodriguez
Senior Environment Reporter

Legal News & Data
111 West 19th Street
5th Floor
New York, NY 10011
Office: 646-783-7197
Ex. 6 Personal Privacy (PP)

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U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

News Releases from Headquarters | Office of General Counsel

EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

Contact: EPA Press Office, press@epa.gov

SEATTLE (July 30, 2019) – Today, U.S. Environmental Protection Agency (EPA) Region 10 Administrator Chris Hladick withdrew the 2014 Proposed Determination issued under section 404(c) of the Clean Water Act (CWA) for the use of the Pebble Deposit Area in Southwest Alaska as a disposal site associated with mining of the deposit.

"After today's action, EPA will focus on the permit review process for the Pebble Mine project," said Region 10 Administrator Chris Hladick. "The agency has worked closely with the Army Corps to engage with stakeholders and the public on this issue, which has resulted in an expansive public record, including specific information about the proposed mining project that did not exist in 2014."

By withdrawing the 2014 Proposed Determination, which was issued preemptively and is now outdated, the agency can continue its focus on fulfilling its responsibilities under the Clean Water Act to work with the Army Corps to review the permit.

Today's action does not approve Pebble's permit application or determine a particular outcome in the Corps' permitting process. Instead, it allows EPA to continue working with the Corps to review the current permit application and engage in the National Environmental Policy Act (NEPA) process.

"Region 10's decision restores the proper process for 404(c) determinations, eliminating a preemptive veto of a hypothetical mine and focusing EPA's environmental review on an actual project before the Agency," EPA General Counsel Matthew Z. Leopold.

EPA Region 10 provided the Corps with detailed comments to its Draft Environmental Impact Statement (DEIS) and permit notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process.

Additional information: https://www.epa.gov/bristolbay.

Background

In July 2014, EPA Region 10 issued a Proposed Determination under CWA section 404(c) to restrict the use of the Pebble Deposit Area as a disposal site for dredged or fill material associated with mining the deposit. The Proposed Determination was based on three hypothetical scenarios for the mine site, each of which was different than the permit application submitted to the Corps for review in December 2017. Since 2014, there have been significant developments, including a lawsuit challenging the EPA's process for developing the 2014

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Proposed Determination and a related settlement, the permit application submitted by Pebble to the Corps, additional direction from the former EPA Administrator in January 2018, and a 1,400-page Draft Environmental Impact Statement (DEIS) and permit notice issued by the Corps.

In July 2017, EPA Region 10 published a proposal to withdraw the 2014 Proposed Determination. The notice opened a three-month-long public comment period, during which the EPA held two public hearings in the watershed area and consulted with federally recognized tribal governments and Alaska Native Claims Settlement Act Regional and Village Corporations with lands in the watershed.

In December 2017, PLP submitted a CWA section 404 permit application to the Corps that proposes to develop a mine in the Pebble Deposit Area. The Corps then invited relevant federal and state agencies, including the EPA, to cooperate on the development of the DEIS under NEPA. The Corps released a DEIS for public comment in February 2019; this public comment period closed on July 1, 2019.

In January 2018, EPA announced that it was suspending the withdrawal proceeding and leaving the 2014 Proposed Determination in place at that time pending further action by the Agency.

In June 2019, EPA General Counsel Matthew Z. Leopold, acting pursuant to a delegation of authority from the EPA Administrator, directed Region 10 to resume its consideration whether to withdraw the 2014 Proposed Determination. He also directed the Region to reconsider its previous statement that it would seek additional public comment on the 2014 Proposed Determination, in light of the ample opportunity for public comment previously provided and the public comment opportunity on the DEIS and permit notice.

On July 1, 2019, Region 10 submitted to the Corps two sets of comments, totaling more than 150 pages, regarding the Corps' DEIS and permit notice. The Region also took the first step under the elevation procedures established between the EPA and the Army in a 1992 memorandum to work towards resolving issues EPA identified in the permit notice.

This action removes the Agency's outdated, preemptive proposed veto of the Pebble Mine and restores the well-understood permit review process. EPA Region 10 reached this conclusion based on two primary reasons. First, the Corps' DEIS includes significant project-specific information that was not accounted for in the 2014 Proposed Determination and, based on that information, the Corps has reached preliminary conclusions that in certain respects conflict with preliminary conclusions in the 2014 Proposed Determination. The now-five-year-old Proposed Determination does not grapple with the currently available expansive record, including specific information about the proposed mining project that did not exist in 2014. Second, other processes are available and better-suited for EPA to resolve issues with the Corps as the record develops; specifically, the well-understood elevation process under CWA section 404(q) and the NEPA process. EPA believes these processes should be exhausted prior to any decision by EPA, based upon all information that has and will be developed, to exercise its section 404(c) authority. A detailed explanation of

EPA's decision is available in the notice signed today by EPA's Region 10 Administrator, which will be published in the Federal Register.

# # #

News release URL: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

# # #

AMERICAN OVERSIGHT

To: Grantham, Nancy[Grantham.Nancy@epa.gov]
Cc: Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Sauerhage, Maggie[Sauerhage.Maggie@epa.gov]
From: Holsman, Marianne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=332EE5ED102F4F65841285A4C06EA8B2-HOLSMAN, MARIANNE]
Sent: Mon 12/30/2019 3:40:25 PM (UTC)
Subject: Re: EPA logo in Pebble Mine publicity materials

FYI we did have the query that prompted us/made us aware of the logo use. I could send her the statement?

Sent from my iPhone. Please excuse impolite brevity and typos.

> On Dec 28, 2019, at 11:40 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:
>
> Thx
>
> Sent from my iPhone
>
> > On Dec 27, 2019, at 3:52 PM, Goerke, Ariadne <Goerke.Ariadne@epa.gov> wrote:
> >
> > FYI
> >
> > Ariadne Goerke
> > Acting Associate Deputy General Counsel
> > Office of General Counsel
> > U.S. Environmental Protection Agency
> > 202-564-5471 (desk)
> > Ex. 6 Personal Privacy (PP) cell)
> >
> > Begin forwarded message:
> >
> > **From:** "Abboud, Michael" <abboud.michael@epa.gov>
> > **Date:** December 27, 2019 at 3:26:50 PM EST
> > **To:** "Willey, Katharine" <willey.katharine@epa.gov>
> > **Cc:** "Blake, Wendy" <Blake.Wendy@epa.gov>, "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>, "Schwarz, Matthew" <Schwarz.Matthew@epa.gov>, "Albright, Scott" <Albright.Scott@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>
> > **Subject: Re: EPA logo in Pebble Mine publicity materials**
> >
> > Will get this to reporters who ask.
> >
> > Sent from my iPhone
> >
> > > On Dec 27, 2019, at 2:19 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

AMERICAN OVERSIGHT

All we are good to go on Wendy's edited version.

Adding Abboud for his help on the OPA front. Here is the OGC FO approved version of the press response:

"As soon as the Agency became aware of the improper use of the EPA's official seal in Pebble Limited Partnership's advertisement, the Office of General Counsel began a review of Pebble's materials. This review concluded that Pebble improperly used the Agency's seal. This pattern of misuse was not confined to the EPA, it appears Pebble misused the seals and or emblems of other agencies, including the Department of Interior. On December 27, 2019, the Office of General Counsel instructed Pebble Limited Partnership to cease production, distribution and public display of the Agency Seal as it appears on the advertisement and from any other Pebble Limited Partnership materials (including Company websites) in which it appears, as soon as possible. The Agency does not condone the improper use of the EPA's logo and has demanded that the company cease all misuse of the Agency logo."

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Friday, December 27, 2019 1:26 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Kathryn – I wanted to follow-up on a few items:

1. See my proposed edits to the draft statement below. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. Do you have a name/email address of any senior official at Pebble? Per the article, DOI sent its letter to "Tom Collier, chief executive officer of the PLP." I am trying to reach someone at DOI to see if they have an email for Mr. Collier. However, if I don't get a response, do you have Collier's email. If no, we will have to send the email to the generic email listed on the Pebble website – info@pebblepartnership.com. There is a general phone number I could call, but I am not sure if they will give me Collier's email.

See edits to press release below:

3. I have also appended below the draft email and attachment to send to Pebble.

Proposed edits to press statement:

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

REVISED email:

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Friday, December 27, 2019 12:59 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Updated language below for press statement- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Willey, Katharine
Sent: Thursday, December 26, 2019 10:35 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert

AMERICAN OVERSIGHT

<Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 4:19 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Great, thank you for clarifying!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

> On Dec 26, 2019, at 4:13 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:
>
> Both the letter and the draft response to the press inquiry (which I drafted this morning).
>
> **From:** Goerke, Ariadne <Goerke.Ariadne@epa.gov>
> **Sent:** Thursday, December 26, 2019 3:56 PM
> **To:** Willey, Katharine <willey.katharine@epa.gov>
> **Cc:** Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert

AMERICAN OVERSIGHT

<Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Thanks for the update, but I wasn't clear on if you are waiting FO signoff on the letter Scott drafted or something else.
Thanks!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Thursday, December 26, 2019 3:40 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

All—I have reached out to OPA and they can send a press statement when necessary. Trying to get FO signoff on something I drafted this morning. Will let you know when I have any updates on my end.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 10:55 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Please see the draft email below. In light of the press story Heidi shared earlier today, **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Thank you!
Ariadne

AMERICAN OVERSIGHT

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Monday, December 23, 2019 10:06 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 DPP ACP

Thanks!

-Rob S.

Ex. 5 DPP ACP

AMERICAN OVERSIGHT

Ex. 5 DPP ACP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 5:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Now attached thanks ng

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

AMERICAN OVERSIGHT

Sent: Tuesday, December 17, 2019 5:04 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM
To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM

AMERICAN OVERSIGHT

To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Can ogc and op weigh in on this? Thx ng

Sent from my iPhone
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
> **Cc:** "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
> **Subject: EPA logo in Pebble Mine publicity materials**
>
> Good Morning.
>
> Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?
>
> It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.
>
> Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.
>
> Thanks –
>
> Suzanne
>
> Suzanne Skadowski
> Public Affairs | Social Media
> U.S. Environmental Protection Agency
> Region 10 Pacific Northwest - Seattle
> O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
> Ex. 6 Personal Privacy (PP)
> Follow us on Twitter!
> @EPAnorthwest<https://twitter.com/EPAnorthwest>
> Like us on Facebook!
> @eparegion10<https://www.facebook.com/epar

AMERICAN OVERSIGHT

egion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net> >
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

AMERICAN OVERSIGHT

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

AMERICAN OVERSIGHT

To: Goerke, Ariadne[Goerke.Ariadne@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
From: Sauerhage, Maggie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B13C7152D704546B40A91220914D3CC-SAUERHAGE,]
Sent: Fri 12/27/2019 8:54:52 PM (UTC)
Subject: RE: EPA logo in Pebble Mine publicity materials

Thanks – looks like Mike sent it to a reporter.

Maggie Sauerhage
Office of Public Affairs
U.S. Environmental Protection Agency
Office: (202) 564-0443
Cell: Ex. 6 Personal Privacy (PP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Friday, December 27, 2019 3:52 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

FYI

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) (cell)

Begin forwarded message:

> **From:** "Abboud, Michael" <abboud.michael@epa.gov>
> **Date:** December 27, 2019 at 3:26:50 PM EST
> **To:** "Willey, Katharine" <willey.katharine@epa.gov>
> **Cc:** "Blake, Wendy" <Blake.Wendy@epa.gov>, "Goerke, Ariadne" <Goerke.Ariadne@epa.gov>, "Schwarz, Matthew" <Schwarz.Matthew@epa.gov>, "Albright, Scott" <Albright.Scott@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Youngblood, Charlotte" <Youngblood.Charlotte@epa.gov>, "Nalven, Heidi" <Nalven.Heidi@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>
> **Subject: Re: EPA logo in Pebble Mine publicity materials**
>
> Will get this to reporters who ask.
>
> Sent from my iPhone
>
> > On Dec 27, 2019, at 2:19 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:
> >
> > All we are good to go on Wendy's edited version.
> >
> > Adding Abboud for his help on the OPA front. Here is the OGC FO approved version of the press response:
> >
> > "As soon as the Agency became aware of the improper use of the EPA's official seal in Pebble Limited Partnership's advertisement, the Office of General Counsel began a review of Pebble's materials. This review concluded that Pebble improperly used the Agency's seal. This pattern of misuse was not confined to the EPA, it appears Pebble misused the seals and or emblems of other agencies, including the Department of Interior. On December 27, 2019, the Office of General Counsel instructed Pebble

AMERICAN OVERSIGHT

Limited Partnership to cease production, distribution and public display of the Agency Seal as it appears on the advertisement and from any other Pebble Limited Partnership materials (including Company websites) in which it appears, as soon as possible. The Agency does not condone the improper use of the EPA's logo and has demanded that the company cease all misuse of the Agency logo."

From: Blake, Wendy <Blake.Wendy@epa.gov>
Sent: Friday, December 27, 2019 1:26 PM
To: Willey, Katharine <willey.katharine@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Kathryn – I wanted to follow-up on a few items:

1. See my proposed edits to the draft statement below Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

2. Do you have a name/email address of any senior official at Pebble? Per the article, DOI sent its letter to "Tom Collier, chief executive officer of the PLP." I am trying to reach someone at DOI to see if they have an email for Mr. Collier. However, if I don't get a response, do you have Collier's email. If no, we will have to send the email to the generic email listed on the Pebble website – info@pebblepartnership.com. There is a general phone number I could call, but I am not sure if they will give me Collier's email.

See edits to press release below:

3. I have also appended below the draft email and attachment to send to Pebble.

Proposed edits to press statement:

Ex. 5 Deliberative Process (DP)

REVISED email:

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Wendy

Wendy L. Blake
Associate General Counsel
General Law Office
Office of General Counsel
U.S. Environmental Protection Agency
phone: (202) 564-1821
fax: (202) 564-5433

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Friday, December 27, 2019 12:59 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Updated language below for press statement--- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

From: Willey, Katharine
Sent: Thursday, December 26, 2019 10:35 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 4:19 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: Re: EPA logo in Pebble Mine publicity materials

Great, thank you for clarifying!

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471 (desk)
Ex. 6 Personal Privacy (PP) cell)

AMERICAN OVERSIGHT

On Dec 26, 2019, at 4:13 PM, Willey, Katharine <willey.katharine@epa.gov> wrote:

Both the letter and the draft response to the press inquiry (which I drafted this morning).

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 3:56 PM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Thanks for the update, but I wasn't clear on if you are waiting FO signoff on the letter Scott drafted or something else. Thanks!
Ariadne

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Willey, Katharine <willey.katharine@epa.gov>
Sent: Thursday, December 26, 2019 3:40 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

All—I have reached out to OPA and they can send a press statement when necessary. Trying to get FO signoff on something I drafted this morning. Will let you know when I have any updates on my end.

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Thursday, December 26, 2019 10:55 AM
To: Willey, Katharine <willey.katharine@epa.gov>
Cc: Schwarz, Matthew <Schwarz.Matthew@epa.gov>; Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: EPA logo in Pebble Mine publicity materials

Hi Katharine,
Please see the draft email below. In light of the press story Heidi shared earlier today, Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) Thank you!
Ariadne

Ariadne Goerke

AMERICAN OVERSIGHT

Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Monday, December 23, 2019 10:06 AM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi Nancy and Adriane –

Following up on this.

Ex. 5 DPP ACP

Thanks!

-Rob S.

Ex. 5 DPP ACP

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Ex. 5 DPP ACP

Sincerely,

Scott Albright
U.S. EPA
Office of General Counsel
Intellectual Property Law &
Information Law practice groups
(202) 564-2884

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 5:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Now attached thanks ng

From: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Sent: Tuesday, December 17, 2019 5:04 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Hi all –

Does anyone have a copy of the attachment referred to in the incoming?

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Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2377A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Sent: Tuesday, December 17, 2019 4:34 PM
To: Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Albright, Scott <Albright.Scott@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Adding Scott Albright and Rob Stackowiak (who is the new Assistant General Counsel for the Intellectual Law Practice Group that oversees counseling in the area) for a response.

Ariadne Goerke
Acting Associate Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
202-564-5471

From: Gentile, Laura <Gentile.Laura@epa.gov>
Sent: Tuesday, December 17, 2019 4:29 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Goerke, Ariadne <Goerke.Ariadne@epa.gov>
Subject: RE: EPA logo in Pebble Mine publicity materials

Ex. 5 Deliberative Process (DP)

Laura Gentile
Senior Advisor, Office of Policy
U.S. EPA
Desk 202.564.3158
Cell Ex. 6 Personal Privacy (PP)

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Tuesday, December 17, 2019 4:27 PM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Gentile, Laura <Gentile.Laura@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Fwd: EPA logo in Pebble Mine publicity materials

Can ogc and op weigh in on this? Thx ng

Sent from my iPhone
Begin forwarded message:

> **From:** "Skadowski, Suzanne" <Skadowski.Suzanne@epa.gov>
> **Date:** December 17, 2019 at 10:15:50 AM EST
> **To:** "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Dennis, Allison" <Dennis.Allison@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>

AMERICAN OVERSIGHT

Cc: "Holsman, Marianne" <Holsman.Marianne@epa.gov>, "Bert, Charles" <Bert.Charles@epa.gov>
Subject: EPA logo in Pebble Mine publicity materials

Good Morning.

Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?

It would be helpful to have an updated statement from HQ on where we're at now in the NEPA and permit review process, if the Corps is encouraging media to reach out to us.

Pebble's unpermitted use of our logo/seal violates our policy, so it would probalby make sense for the HQ Media Office to contact Pebble. While we were technically a cooperating fed agency in the NEPA review process, we did not produce the draft EIS.

Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 Ex. 6 Personal Privacy (PP) C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest<https://twitter.com/EPAnorthwest>
Like us on Facebook!
@eparegion10<https://www.facebook.com/eparegion10/>

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

From: Mariah Oxford <moxford@bbnc.net<mailto:moxford@bbnc.net>>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov<mailto:dunbar.bill@epa.gov>>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch<http://www.pebblewatch.com/> program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

Right now I'm working on an article about the role of cooperating agencies in the process, specifically related to PLP's marketing materials (an ad and mailer), which published agency logos under the question "Who Produced the Draft EIS?" (I've attached a copy of a page from the mailer).

I know that other cooperating agencies listed have asked PLP to desist using

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their logos in this manner.

Has EPA responded about use of its logo in these materials? If so, I would appreciate a copy of that letter.

If not, is the EPA aware of the materials? Does it have a comment regarding characterizing EPA as a "producer" of the Draft EIS?

Additionally, in the November 2019 media advisory session held by the Corps, Sheila Newman encouraged members of the media to contact cooperating agencies directly to get their views on how the process is going.

Would the EPA provide comment on that process and whether its concerns are being fully addressed?

Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

AMERICAN OVERSIGHT

To: Goerke, Ariadne[Goerke.Ariadne@epa.gov]
From: Holsman, Marianne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=332EE5ED102F4F65841285A4C06EA8B2-HOLSMAN, MARIANNE]
Sent: Thur 12/26/2019 8:49:29 PM (UTC)
Subject: FW: EPA logo in Pebble Mine publicity materials
ClearPathForward-Logos.jpg

Marianne

Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Sent: Tuesday, December 17, 2019 7:16 AM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>
Cc: Holsman, Marianne <Holsman.Marianne@epa.gov>; Bert, Charles <Bert.Charles@epa.gov>
Subject: EPA logo in Pebble Mine publicity materials

Good Morning.

Thoughts from HQ on a response to the questions below and action on Pebble's of EPA logo/seal in their materials?

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Thanks –

Suzanne

Suzanne Skadowski
Public Affairs | Social Media
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Dunbar, Bill <dunbar.bill@epa.gov>
Sent: Monday, December 16, 2019 3:23 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: FW: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

---

From: Mariah Oxford <moxford@bbnc.net>
Sent: Monday, December 16, 2019 2:58 PM
To: Dunbar, Bill <dunbar.bill@epa.gov>
Subject: Cooperating agency logos in Pebble Limited Partnership materials; technical meetings

Bill,

I just left you a phone message but wanted to follow up by email as well. As I mentioned, I work on the Bristol Bay Native Land Department's Pebble Watch program, which is an impartial, educational project in place since 2010. The mission is to provide fact-based information about the proposed Pebble mine and the permitting process.

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Thank you for your consideration. I'm happy to talk by phone as well.

Mariah Oxford
Editorial and Design Consultant
(907) 782-6600

AMERICAN OVERSIGHT

Appointment

From: Canino, Joyce Lynn T. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=02B304D3E84240BE8A4E069ECD634D97-CANINO, JOY]
Sent: 12/17/2019 10:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Widner, Jacob [Widner.Jacob@epa.gov]

Subject: Pebble Project Policy Briefing (Briefing Docs Attached) (R10 - Room update!)
Attachments: Pebble Project Policy Briefing_December_draft agenda.docx; Pebble Project Policy Briefing - December 2019.docx
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO; R10Sea-Room-19Columbia/R10-Rooms-Service-Center; R10Sea-RoomSup-19Columbia-VTC-Setup/R10-Rooms-Service-Center

Start: 12/18/2019 7:00:00 PM
End: 12/18/2019 8:00:00 PM
Show Time As: Busy

POC: Matt Szelag
Created: 18 Nov 19
Updated: 5 Dec 19 (date change from 12/10 to 12/18)
Updated: 17 Dec 19 (room change for R10)

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 – R10Sea-Room-19Columbia/R10-Rooms-Service-Center
AOO – Raven Room

Dial i
Code Ex. 6 Personal Privacy (PP)

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12-16-19

Pebble Project Policy Briefing

December 18, 2019

2:00 – 3:00 PM ET

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 - 21 Tahoma
AOO – Raven Room

Dial in: Ex. 6 Personal Privacy (PP)
Ex. 6 Personal Privacy (PP)

Purpose of Briefing: To provide senior leadership with an update on the status of NEPA and 404 coordination with the U.S. Army Corps of Engineers regarding the Pebble Project.

Agenda:

1. Opening remarks – Chris Hladick
2. Review of Briefing Document – Dan Opalski
    - Major Milestones
    - NEPA Coordination
    - CWA 404 Coordination
        - Appendix A: Summary Table of Issue Areas Raised by EPA on the DEIS
        - Appendix B: Summary Table of Additional CWA 404 Issues/Determinations That do not Overlap with NEPA Issues in Appendix A
        - Appendix C: **Ex. 5 Deliberative Process (DP)**
3. Discussion

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Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 11/5/2019 7:15:59 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Mutz, John (Fletcher) [mutz.john@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Lindsay, Andrea [Lindsay.Andrea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Fordham, Tami [Fordham.Tami@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Schaedle, Candi [Schaedle.Candi@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Chung, Angela [Chung.Angela@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]

Subject: Canceled: Canceled: Bristol Bay Career and Senior Leadership Check-in
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center and Call: Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP)

Start: 12/10/2019 8:00:00 PM
End: 12/10/2019 9:00:00 PM
Show Time As: Free

Importance: High

Agenda in-progress.

Call in: Ex. 6 Personal Privacy (PP)
Code: Ex. 6 Personal Privacy (PP)

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Appointment

From: Canino, Joyce Lynn T. [hladick.christopher@epa.gov]
Sent: 12/17/2019 10:22:45 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Widner, Jacob [Widner.Jacob@epa.gov]

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Start: 12/18/2019 7:00:00 PM
End: 12/18/2019 8:00:00 PM
Show Time As: Busy

POC: Erik Peterson
Created: 18 Nov 19
Updated: 5 Dec 19 (date change from 12/10 to 12/18)
Updated: 17 Dec 19 (room change for R10)

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 – R10Sea-Room-19Columbia/R10-Rooms-Service-Center
AOO – Raven Room

Dial in Code: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
Sent: 12/17/2019 10:22:45 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Widner, Jacob [Widner.Jacob@epa.gov]

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R10 – R10Sea-Room-19Columbia/R10-Rooms-Service-Center
AOO – Raven Room

Dial in
Code: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Hladick, Christopher [hladick.christopher@epa.gov]
Sent: 11/18/2019 10:05:50 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Widner, Jacob [Widner.Jacob@epa.gov]

Subject: Pebble Project Policy Briefing (Briefing Docs Attached) (R10 - Room update!)
Attachments: Pebble Project Policy Briefing_December_draft agenda.docx; Pebble Project Policy Briefing - December 2019.docx
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO; R10Sea-Room-19Columbia/R10-Rooms-Service-Center; R10Sea-RoomSup-19Columbia-VTC-Setup/R10-Rooms-Service-Center

Start: 12/18/2019 7:00:00 PM
End: 12/18/2019 8:00:00 PM
Show Time As: Tentative

POC: Matt Szelag
Created: 18 Nov 19
Updated: 5 Dec 19 (date change from 12/10 to 12/18)
Updated: 17 Dec 19 (room change for R10)

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 – R10Sea-Room-19Columbia/R10-Rooms-Service-Center
AOO – Raven Room

Dial in Code: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
Cc: WS[js@windstrat.com]
From: Peter Robertson[peterrobertson@pebblepartnership.com]
Sent: Thur 12/12/2019 5:12:57 PM (UTC)
Subject: Meeting request

Lee,

I'm wondering whether you have time next Friday to meet with me and Jay Sterne (our most recent consultant addition). We would like to introduce Jay as part of the Pebble team, but also briefly review where things are.

Do you have any time on the 20th to meet? My schedule and Jay's schedule are open at this point.

Thanks.

Peter

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

AMERICAN OVERSIGHT

To: Fotouhi, David[Fotouhi.David@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Wed 9/25/2019 5:32:14 AM (UTC)
Subject: Fwd: Murkowski says Pebble mine shouldn't be permitted unless data 'gaps' get explained - Anchorage Daily News

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** "Hladick, Christopher" <hladick.christopher@epa.gov>
> **Date:** September 24, 2019 at 5:29:45 PM PDT
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>
> **Subject: Murkowski says Pebble mine shouldnâ€™t be permitted unless data â€˜gapsâ€™ get explained - Anchorage Daily News**
>
> Expect appropriation language Thursday referring to Pebble
>
> https://www.adn.com/alaska-news/2019/09/24/murkowski-says-pebble-mine-shouldnt-be-permitted-unless-data-gaps-get-explained/
>
> Sent from my iPhone

AMERICAN OVERSIGHT

Appointment

From: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Sent: 9/30/2019 12:58:16 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]

Subject: Bristol Bay Review
Location: 4000 and Call in: **Ex. 6 Personal Privacy (PP)**

Start: 10/9/2019 3:30:00 PM
End: 10/9/2019 4:00:00 PM
Show Time As: Busy

Please forward to whoever in R10 needs to be on the call.

Thanks,
Fletcher

AMERICAN OVERSIGHT

To: Hladick, Christopher[hladick.christopher@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]
From: Leopold, Matt (OGC)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: Wed 9/25/2019 1:52:44 AM (UTC)
Subject: Re: Murkowski says Pebble mine shouldn't be permitted unless data 'gaps' get explained - Anchorage Daily News

Thanks

Sent from my iPhone

> On Sep 24, 2019, at 8:29 PM, Hladick, Christopher <hladick.christopher@epa.gov> wrote:
>
> Expect appropriation language Thursday referring to Pebble
>
> https://www.adn.com/alaska-news/2019/09/24/murkowski-says-pebble-mine-shouldnt-be-permitted-unless-data-gaps-get-explained/
>
>
> Sent from my iPhone

AMERICAN OVERSIGHT

From: Mutz, John (Fletcher)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]

Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center and Call: **Ex. 6 Personal Privacy (PP)**

Importance: High

Subject: Canceled: Bristol Bay Career and Senior Leadership Check-in

Start Time: Tue 12/10/2019 8:00:00 PM (UTC)

End Time: Tue 12/10/2019 9:00:00 PM (UTC)

Required Attendees: Mutz, John (Fletcher); Fotouhi, David; Neugeboren, Steven; Goodin, John; Tomiak, Robert; McGrath, Patricia; Hough, Palmer; Nalven, Heidi; Palomaki, Ashley; Vaughan, Molly; Steiner-Riley, Cara; Lindsay, Andrea; Barger, Cindy; Skadowski, Suzanne; Nogi, Jill; Fordham, Tami; Stern, Allyn; Detwiler, Susan K.; Barnhart, Megan; Kaiser, Russell; Frazer, Brian; LaCroix, Matthew; Szerlog, Michael; Hoppe, Allison; Schaedle, Candi; Marshall, Tom; Wehling, Carrie; Opalski, Dan; Chung, Angela; Grandinetti, Cami; Rountree, Marthea; Castanon, Lisa; Szelag, Matthew; Baca, Andrew; Hladick, Christopher; Peterson, Erik

Agenda in-progress.

Call in: Ex. 6 Personal Privacy (PP)
Code Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Sent: 9/12/2019 3:34:50 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]

Subject: Accepted: Pebble FOIA: Past and Current Pebble FOIA Processes/Conference: **Ex. 6 Personal Privacy (PP)**
Location: HQ-Room-WJCN-4530-50pp

Start: 9/17/2019 8:00:00 PM
End: 9/17/2019 9:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

To: Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Fotouhi, David[Fotouhi.David@epa.gov]
From: Hladick, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: Thur 9/5/2019 2:48:44 PM (UTC)
Subject: Meeting request letter to Corps re PLP_draft 04Sept2019_clean - dlf (002)do.docx
Meeting request letter to Corps re PLP_draft 04Sept2019_clean - dlf (002)do.docx
ATT00001.txt

For your review and comment.

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 12/5/2019 7:16:21 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Pebble Project Policy Briefing
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21C-HR-OMP-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21C-VTC-Setup; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO

Start: 12/18/2019 7:00:00 PM
End: 12/18/2019 8:00:00 PM

Recurrence: (none)

AMERICAN OVERSIGHT

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 11/20/2019 4:59:37 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Pebble Project Policy Briefing
Location: R10Sea-RoomSup-21Tahoma-VTC-Setup; R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 12/10/2019 7:30:00 PM
End: 12/10/2019 8:30:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

From: Fotouhi, David[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]

Location: R10Sea-RoomSup-21Tahoma-VTC-Setup; R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC

Importance: Normal

Subject: Tentative: Pebble Project Policy Briefing

Start Time: Tue 12/10/2019 8:00:00 PM (UTC)

End Time: Tue 12/10/2019 9:00:00 PM (UTC)

Required Attendees: Hladick, Christopher

AMERICAN OVERSIGHT

Appointment

From: Canino, Joyce Lynn T. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=02B304D3E84240BE8A4E069ECD634D97-CANINO, JOY]
Sent: 11/18/2019 9:14:28 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Fotouhi, David [fotouhi.david@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Widner, Jacob [Widner.Jacob@epa.gov]
BCC: DCRoomARN4045/DC-Ariel-Rios-OGC [DCROOMARN4045@epa.gov]; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO [R10AOO-Room-Raven-25-VTC@epa.gov]; R10Sea-Room-19Columbia/R10-Rooms-Service-Center [R10Sea-Room-19Columbia@epa.gov]; R10Sea-RoomSup-19Columbia-VTC-Setup/R10-Rooms-Service-Center [R10Sea-RoomSup-19Columbia-VTC-Setup@epa.gov]

Subject: Pebble Project Policy Briefing (Briefing Docs Attached) (R10 - Room update!)
Attachments: Pebble Project Policy Briefing_December_draft agenda.docx; Pebble Project Policy Briefing - December 2019.docx
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO; R10Sea-Room-19Columbia/R10-Rooms-Service-Center; R10Sea-RoomSup-19Columbia-VTC-Setup/R10-Rooms-Service-Center

Start: 12/18/2019 7:00:00 PM
End: 12/18/2019 8:00:00 PM
Show Time As: Busy

POC: Matt Szelag
Created: 18 Nov 19
Updated: 5 Dec 19 (date change from 12/10 to 12/18)
Updated: 17 Dec 19 (room change for R10)

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 – R10Sea-Room-19Columbia/R10-Rooms-Service-Center
AOO – Raven Room

Dial in Code: **Ex. 6 Personal Privacy (PP)**

AMERICAN OVERSIGHT

Message

From: Hladick, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B82D04419C42423A97BD7624A3A09908-HLADICK, CH]
Sent: 8/26/2019 3:35:56 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Re: BBNC Board Directors meeting

Yup they put on a salmon feed every year in DC, our Senators and Don Young attend.

I was just in Alaska last week. Talk soon

Chris

Sent from my iPhone

On Aug 23, 2019, at 11:19 AM, Leopold, Matt (OGC) <Leopold.Matt@epa.gov> wrote:

> FYI.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** "Daniel L. Cheyette" <dcheyette@BBNC.NET>
> **Date:** August 23, 2019 at 12:15:14 PM CDT
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
> **Cc:** "Forsgren, Lee" <Forsgren.Lee@epa.gov>
> **Subject: BBNC Board Directors meeting**
>
> Matt,
>
> The BBNC Board of Directors will be in Washington DC the week of September 16th as part of a DC Bristol Bay Salmon Week that includes our annual Salmon Celebration the night of September 18th (which we hope you can attend) and a DC Bristol Bay Restaurant Week at restaurants across the city.
>
> While we are in town we would like to meet with you if possible regarding Pebble. Our best available days would be either Wednesday the 18th or Thursday the 19th.
>
> Appreciate the consideration.
>
> Regards,
>
> Daniel L. Cheyette
> Vice President, Lands and Natural Resources
> **Bristol Bay Native Corporation**
> P: 907.278.3602
> D: 907.265.7855
> www.bbnc.net

AMERICAN OVERSIGHT

To: Hough, Palmer[Hough.Palmer@epa.gov]
From: Szelag, Matthew[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F1E48230D96943F8ACB72810E32CE8D6-SZELAG, MATTHEW]
Sent: Thur 12/19/2019 11:18:11 PM (UTC)
Subject: RE: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update

That sounds good, thanks.

Really nice job presenting at the briefing yesterday and happy holidays.

Matthew Szelag | Water Quality Standards Coordinator
U.S. Environmental Protection Agency | **Region 10**
222 W 7th Avenue, #19 | Anchorage, AK 99513
P: (907) 271.1208 | szelag.matthew@epa.gov

From: Hough, Palmer <Hough.Palmer@epa.gov>
Sent: Thursday, December 19, 2019 12:54 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>
Subject: RE: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update

Matt – I spoke with Heidi after I sent this email and she said she would start working this issue up the chain in OGC in early January – so I don't think we need to do anything until early January when we might need to send her a reminder.

From: Szelag, Matthew <Szelag.Matthew@epa.gov>
Sent: Thursday, December 19, 2019 3:30 PM
To: Hough, Palmer <Hough.Palmer@epa.gov>
Subject: RE: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update

Hi Palmer,
Thanks for sending this email and starting to think through the options given the new proposed schedule. Still sorting through my role, but I know we'll definitely want to talk through these at our prep call on January 7 and then tee them up during the career leaders check-in on January 8.

Given the holidays, not sure how much engagement we'll be able to get but I do sense there is some urgency to getting feedback from leadership. If there's anything you'd suggest that I do to facilitate that prior to the meetings already on the calendar, please let me know and I'm happy to do so.

Thanks,

Matthew Szelag | Water Quality Standards Coordinator
U.S. Environmental Protection Agency | **Region 10**
222 W 7th Avenue, #19 | Anchorage, AK 99513
P: (907) 271.1208 | szelag.matthew@epa.gov

From: Hough, Palmer <Hough.Palmer@epa.gov>
Sent: Thursday, December 19, 2019 5:23 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; McGrath, Patricia <mcgrath.patricia@epa.gov>; Szelag, Matthew <Szelag.Matthew@epa.gov>; Steiner-Riley, Cara <Steiner-Riley.Cara@epa.gov>; Szerlog, Michael <Szerlog.Michael@epa.gov>; LaCroix, Matthew <LaCroix.Matthew@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>
Subject: FW: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update
Importance: High

Folks

Based on the new schedule below, the PFEIS will be circulated on 2/7 for a 45-day review period that ends on 3/23, with the Corps hosting additional technical meetings the week of 3/9.

If the Corps follows this new schedule, our 3(b) letter deadline of 2/28 will occur in the middle of our review of the PFEIS - finalizing a 3(b) letter by 2/28 that reflects a full review of the PFEIS is highly unrealistic.

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

Thoughts?

Palmer

From: Goodin, John <Goodin.John@epa.gov>
Sent: Wednesday, December 18, 2019 6:46 PM
To: Frazer, Brian <Frazer.Brian@epa.gov>; Kaiser, Russell <Kaiser.Russell@epa.gov>; Hough, Palmer <Hough.Palmer@epa.gov>
Subject: Fwd: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update

FYSA

Sent from my iPhone
Begin forwarded message:

> **From:** "Opalski, Dan" <Opalski.Dan@epa.gov>
> **Date:** December 18, 2019 at 6:42:24 PM EST
> **To:** "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>, "Hladick, Christopher" <hladick.christopher@epa.gov>, "Forsgren, Lee" <Forsgren.Lee@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Fotouhi, David" <fotouhi.david@epa.gov>, "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Baca, Andrew" <Baca.Andrew@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>, "Tomiak, Robert" <tomiak.robert@epa.gov>
> **Subject: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update**
>
> All –
>
> We have learned today from the Corps that the Pebble Preliminary Final EIS will be sent to cooperating agencies on Feb 7 for a 45-day review period. The Corps is planning another series of technical meetings about 30 days into the review period, possibly during the week of March 9. We will provide more information on the exact dates of the meetings and topics after we get these additional details from the Corps. The Corps is still updating the schedule for the Final EIS and that updated schedule is not expected until January.
>
> Based on this news, Molly Vaughan in our Anchorage office will be developing a schedule for our team's review of the PFEIS.
>
> In addition, the Corps shared that they requested an updated Compensatory Mitigation Plan from the Pebble Limited Partnership to include as an appendix to the PFEIS. We can request that the updated plan be one of the topics during the March technical meetings.
>
> Note that the Corps is communicating this news to the Cooperating Agencies, but from what we understand they do

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not intend to communicate more broadly until they finish the schedule for the FEIS.

Dan Opalski
Director
Water Division
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
206-553-1855
FAX: 206-553-1280

AMERICAN OVERSIGHT

Appointment

From: Canino, Joyce Lynn T. [canino.joyce-lynn@epa.gov]
Sent: 12/17/2019 10:57:28 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Tomiak, Robert [tomiak.robert@epa.gov]; Baca, Andrew [Baca.Andrew@epa.gov]; Detwiler, Susan K. [detwiler.susan@epa.gov]; Grandinetti, Cami [Grandinetti.Cami@epa.gov]; McGrath, Patricia [mcgrath.patricia@epa.gov]; LaCroix, Matthew [LaCroix.Matthew@epa.gov]; Vaughan, Molly [Vaughan.Molly@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Rountree, Marthea [Rountree.Marthea@epa.gov]; Barger, Cindy [Barger.Cindy@epa.gov]; Nogi, Jill [nogi.jill@epa.gov]; Peterson, Erik [Peterson.Erik@epa.gov]; Szelag, Matthew [Szelag.Matthew@epa.gov]; Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]
CC: Fotouhi, David [Fotouhi.David@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Barnhart, Megan [barnhart.megan@epa.gov]; Szerlog, Michael [Szerlog.Michael@epa.gov]; Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]; Simons, Andrew [Simons.Andrew@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Widner, Jacob [Widner.Jacob@epa.gov]

Subject: Pebble Project Policy Briefing (Briefing Docs Attached) (R10 - Room update!)
Attachments: Pebble Project Policy Briefing_December_draft agenda.docx; Pebble Project Policy Briefing - December 2019.docx
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO; R10Sea-Room-19Columbia/R10-Rooms-Service-Center; R10Sea-RoomSup-19Columbia-VTC-Setup/R10-Rooms-Service-Center

Start: 12/18/2019 7:00:00 PM
End: 12/18/2019 8:00:00 PM
Show Time As: Tentative

POC: Matt Szelag
Created: 18 Nov 19
Updated: 5 Dec 19 (date change from 12/10 to 12/18)
Updated: 17 Dec 19 (room change for R10)

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 – R10Sea-Room-19Columbia/R10-Rooms-Service-Center
AOO – Raven Room

Dial in Code: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Message

From: Nalven, Heidi [Nalven.Heidi@epa.gov]
Sent: 8/28/2019 6:13:38 PM
To: Frazer, Brian [Frazer.Brian@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Hough, Palmer [Hough.Palmer@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
Subject: FW: Next Steps on Pebble 404(q) Engagement/OGC-VMR Info Below
Attachments: Next Steps on Pebble 404(q) Engagement_OGC-VMR Info Below.ics

AMERICAN OVERSIGHT

Organizer: Fotouhi, David : Fotouhi.David@epa.gov

Subject: Next Steps on Pebble 404(q) Engagement/OGC-VMR Info Below

Location: DCRoomARN4045/DC-Ariel-Rios-OGC

Start Time: 2019-09-03T15:00:00-04:00

End Time: 2019-09-03T16:00:00-04:00

Attendees: Hladick, Christopher : hladick.christopher@epa.gov, Forsgren, Lee : Forsgren.Lee@epa.gov, Neugeboren, Steven, Neugeboren.Steven@epa.gov, Wehling, Carrie : Wehling.Carrie@epa.gov, Goodin, John : Goodin.John@epa.gov, Opalski, Dan : Opalski.Dan@epa.gov, Nalven, Heidi : Nalven.Heidi@epa.gov, Canino, Joyce Lynn T., canino.joyce-lynn@epa.gov, Penman, Crystal : Penman.Crystal@epa.gov, Patrick, Monique, Patrick.Monique@epa.gov

- Video Conferencing: dial **Ex. 6 Personal Privacy (PP)**

AMERICAN OVERSIGHT

Appointment

From: Hough, Palmer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51CD0B0D81AC416FA265944D6E6575CE-PHOUGH]
Sent: 11/20/2019 10:26:44 PM
To: Goodin, John [Goodin.John@epa.gov]; Kaiser, Russell [Kaiser.Russell@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Barnhart, Megan [Barnhart.Megan@epa.gov]

Subject: FW: Pebble Project Policy Briefing
Location: R10Sea-RoomSup-21Tahoma-VTC-Setup; R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 12/10/2019 7:30:00 PM
End: 12/10/2019 8:30:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Monday, November 18, 2019 5:06 PM
To: Hladick, Christopher; Leopard, Matthew (OEI); Forsgren, Lee; Bolen, Brittany; Neugeboren, Steven; Opalski, Dan; Tomiak, Robert; Baca, Andrew; Detwiler, Susan K.; Grandinetti, Cami; McGrath, Patricia; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Palomaki, Ashley; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Rountree, Marthea; Barger, Cindy; Nogi, Jill; Peterson, Erik; Szelag, Matthew; Pirzadeh, Michelle
Cc: Fotouhi, David; Leopold, Matt (OGC)
Subject: Pebble Project Policy Briefing
When: Tuesday, December 10, 2019 11:30 AM-12:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-RoomSup-21Tahoma-VTC-Setup; R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC

POC: Erik Peterson
Created: 18 Nov 19

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 - 21 Tahoma

Dial in Code: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Mutz, John (Fletcher) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: 9/30/2019 12:58:12 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; David Fotouhi (fotouhi.david@epa.gov) [fotouhi.david@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]

Subject: Bristol Bay Review
Location: 4000 and Call in **Ex. 6 Personal Privacy (PP)**

Start: 10/9/2019 3:30:00 PM
End: 10/9/2019 4:00:00 PM
Show Time As: Busy

Please forward to whoever in R10 needs to be on the call.

Thanks,
Fletcher

AMERICAN OVERSIGHT

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]

Location: 4000 and Call in **Ex. 6 Personal Privacy (PP)**

Importance: Normal

Subject: Meeting Forward Notification: Bristol Bay Review

Start Time: Tue 10/8/2019 6:30:00 PM (UTC)

End Time: Tue 10/8/2019 7:00:00 PM (UTC)

Required Attendees: Leopold, Matt (OGC)

Your meeting was forwarded

Walker, Denise has forwarded your meeting request to additional recipients.

Required Attendees: Leopold, Matt (OGC)

Meeting

Bristol Bay Review

Required Attendees: Leopold, Matt (OGC)
Required Attendees: Leopold, Matt (OGC)

Meeting Time

Tuesday, October 8, 2019 2:30 PM-3:00 PM.

Required Attendees: Leopold, Matt (OGC)
Required Attendees: Leopold, Matt (OGC)

Recipients

Packard, Elise

Willey, Katharine

Required Attendees: Leopold, Matt (OGC)

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

AMERICAN OVERSIGHT

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]

Location: 4000 and Call in Ex. 6 Personal Privacy (PP)

Importance: Normal

Subject: Meeting Forward Notification: Bristol Bay Review

Start Time: Tue 10/8/2019 6:30:00 PM (UTC)

End Time: Tue 10/8/2019 7:00:00 PM (UTC)

Required Attendees: Leopold, Matt (OGC)

Your meeting was forwarded

Palomaki, Ashley has forwarded your meeting request to additional recipients.

Required Attendees: Leopold, Matt (OGC)

Meeting

Bristol Bay Review

Required Attendees: Leopold, Matt (OGC)
Required Attendees: Leopold, Matt (OGC)

Meeting Time

Tuesday, October 8, 2019 2:30 PM-3:00 PM.

Required Attendees: Leopold, Matt (OGC)
Required Attendees: Leopold, Matt (OGC)

Recipients

Brown, Leah

Required Attendees: Leopold, Matt (OGC)

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

AMERICAN OVERSIGHT

From: Microsoft Outlook[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MICROSOFTEXCHANGE329E71EC88AE4615BBC36AB6CE41109EF7088051]

Location: 4000 and Call in: **Ex. 6 Personal Privacy (PP)**

Importance: Normal

Subject: Meeting Forward Notification: Bristol Bay Review

Start Time: Tue 10/8/2019 6:30:00 PM (UTC)

End Time: Tue 10/8/2019 7:00:00 PM (UTC)

Required Attendees: Leopold, Matt (OGC)

Your meeting was forwarded

Walker, Denise has forwarded your meeting request to additional recipients.

Required Attendees: Leopold, Matt (OGC)

Meeting

Bristol Bay Review

Required Attendees: Leopold, Matt (OGC)
Required Attendees: Leopold, Matt (OGC)

Meeting Time

Tuesday, October 8, 2019 2:30 PM-3:00 PM.

Required Attendees: Leopold, Matt (OGC)
Required Attendees: Leopold, Matt (OGC)

Recipients

Wehling, Carrie
Nalven, Heidi
Kelly, Lynn
Blake, Wendy
Palomaki, Ashley
Castanon, Lisa
Epp, Timothy
Messier, Dawn
Neugeboren, Steven

Required Attendees: Leopold, Matt (OGC)

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Sent by Microsoft Exchange Server

AMERICAN OVERSIGHT

Appointment

From: Leopold, Matt (OGC) [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4E5CDF09A3924DADA6D322C6794CC4FA-LEOPOLD, MA]
Sent: 11/20/2019 5:02:48 PM
To: Hladick, Christopher [hladick.christopher@epa.gov]

Subject: Accepted: Pebble Project Policy Briefing
Location: R10Sea-RoomSup-21Tahoma-VTC-Setup; R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 12/10/2019 7:30:00 PM
End: 12/10/2019 8:30:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Nalven, Heidi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0B698043B7EE461198A73177935098D4-HNALVEN]
Sent: 12/16/2019 7:24:29 PM
To: Marshall, Tom [marshall.tom@epa.gov]; Hoppe, Allison [hoppe.allison@epa.gov]

Subject: FW: Pebble Project Policy Briefing
Location: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21C-HR-OMP-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21C-VTC-Setup; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO

Start: 12/18/2019 7:00:00 PM
End: 12/18/2019 8:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Monday, November 18, 2019 5:06 PM
To: Hladick, Christopher; Leopold, Matt (OGC); Forsgren, Lee; Bolen, Brittany; Neugeboren, Steven; Opalski, Dan; Tomiak, Robert; Baca, Andrew; Detwiler, Susan K.; Grandinetti, Cami; McGrath, Patricia; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Palomaki, Ashley; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Rountree, Marthea; Barger, Cindy; Nogi, Jill; Peterson, Erik; Szelag, Matthew; Pirzadeh, Michelle
Cc: Fotouhi, David; Goodin, John; Kaiser, Russell; Frazer, Brian; Barnhart, Megan; Szerlog, Michael
Subject: Pebble Project Policy Briefing
When: Wednesday, December 18, 2019 11:00 AM-12:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21C-HR-OMP-VTC/R10-Rooms-Restricted; R10Sea-RoomSup-21C-VTC-Setup; R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO

POC: Erik Peterson
Created: 18 Nov 19
Updated: 5 Dec 19 (date change from 12/10 to 12/18)

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 - 21 Tahoma
AOO – Raven Room

Dial in Code: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Appointment

From: Mutz, John (Fletcher) [mutz.john@epa.gov]
Sent: 10/7/2019 2:03:02 PM
To: Walker, Denise [Walker.Denise@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Castanon, Lisa [Castanon.Lisa@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Brown, Leah [Brown.Leah@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]

Subject: Bristol Bay Review
Location: 4000 and Call in: **Ex. 6 Personal Privacy (PP)**

Start: 10/9/2019 3:30:00 PM
End: 10/9/2019 4:00:00 PM
Show Time As: Tentative

Please forward to whoever in R10 needs to be on the call.

Thanks,
Fletcher

AMERICAN OVERSIGHT

Appointment

From: Neugeboren, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFD837AC503949A9820715B53BA921E6-SNEUGEBO]
Sent: 11/19/2019 11:54:22 PM
To: Fotouhi, David [fotouhi.david@epa.gov]

Subject: FW: Pebble Project Policy Briefing
Location: R10Sea-RoomSup-21Tahoma-VTC-Setup; R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC

Start: 12/10/2019 8:00:00 PM
End: 12/10/2019 9:00:00 PM
Show Time As: Tentative

I think you were not on this.

-----Original Appointment-----
From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Monday, November 18, 2019 5:06 PM
To: Hladick, Christopher; Leopard, Matthew (OEI); Forsgren, Lee; Bolen, Brittany; Neugeboren, Steven; Opalski, Dan; Tomiak, Robert; Baca, Andrew; Detwiler, Susan K.; Grandinetti, Cami; McGrath, Patricia; LaCroix, Matthew; Vaughan, Molly; Hough, Palmer; Palomaki, Ashley; Steiner-Riley, Cara; Nalven, Heidi; Wehling, Carrie; Rountree, Marthea; Barger, Cindy; Nogi, Jill; Peterson, Erik; Szelag, Matthew; Pirzadeh, Michelle
Subject: Pebble Project Policy Briefing
When: Tuesday, December 10, 2019 12:00 PM-1:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-RoomSup-21Tahoma-VTC-Setup; R10SeaRA-Room-21Tahoma-VTC/R10-Rooms-Restricted; DCRoomARN4045/DC-Ariel-Rios-OGC

POC: Erik Peterson
Created: 18 Nov 19

VTC Room Locations:
HQ - DCRoomARN4045/DC-Ariel-Rios-OGC
R10 - 21 Tahoma

Dial i
Code

Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

To: Opalski, Dan[Opalski.Dan@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Mon 11/25/2019 4:23:16 PM (UTC)
Subject: 404c Delegation for Bristol Bay to Leopold
Wheeler Delegation to Leopold.pdf

Ashley Palomaki
Acting Deputy Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

AMERICAN OVERSIGHT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 22, 2019

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: One-Time Delegation of Authority to Perform Functions and Responsibilities Assigned to the Administrator in 40 C.F.R. Part 231 Pertaining to the Clean Water Act Section 404(c) Process Regarding Use of an Area as a Disposal Site in the Pebble Deposit Area, Southwest Alaska

FROM: Andrew R. Wheeler
Administrator

TO: Matthew Z. Leopold
General Counsel

I hereby delegate to the General Counsel the authority to perform all functions and responsibilities retained by the Administrator or previously delegated to the Assistant Administrator for Water related to the Pebble Deposit Area, Southwest Alaska, including but not limited to the authorities assigned to the Administrator in 40 C.F.R. part 231 that were previously delegated to the Assistant Administrator for Water in Delegation of Authority 2-43 regarding EPA's ongoing Clean Water Act Section 404(c) action pertaining to the Pebble Deposit Area.

1. **AUTHORITY.** To perform all functions and responsibilities retained by the Administrator or previously delegated to the Assistant Administrator for Water related to the Pebble Deposit Area, Southwest Alaska, including but not limited to the authorities assigned to the Administrator in 40 C.F.R. part 231 regarding EPA's ongoing Clean Water Act Section 404(c) action pertaining to the Pebble Deposit Area.

2. **TO WHOM DELEGATED.** The General Counsel.

3. **LIMITATIONS.** This delegation is limited to the purposes stated above. This delegation does not affect functions and responsibilities assigned or delegated to Agency officials other than the Administrator and the Assistant Administrator for Water.

4. **REDELGATION AUTHORITY.** This authority may not be redelegated.

5. **ADDITIONAL REFERENCES.** Clean Water Act Section 404, 33 U.S.C. § 1344 — Permits for Dredged or Fill Material; 40 C.F.R. part 231 — Section 404(c) Procedures.

AMERICAN OVERSIGHT
EPA-19-1101-H-000383
ED_002890C_00069998-00001
Bristol Bay/Pebble Mine 2019 FOIAs Production011

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 10/7/2019 7:52:05 PM
To: Packard, Elise [Packard.Elise@epa.gov]

Subject: Accepted: Bristol Bay Moot Briefing Prep/Call-in # Ex. 6 Personal Privacy (PP)
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 10/8/2019 3:30:00 PM
End: 10/8/2019 4:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 10/7/2019 2:53:24 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]

Subject: Accepted: Bristol Bay Review
Location: 4000 and Call in: **Ex. 6 Personal Privacy (PP)**

Start: 10/9/2019 3:30:00 PM
End: 10/9/2019 4:00:00 PM

Recurrence: (none)

AMERICAN OVERSIGHT

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 9/30/2019 3:16:48 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]

Subject: Accepted: FW: Bristol Bay Review
Location: 4000 and Call in **Ex. 6 Personal Privacy (PP)**

Start: 10/8/2019 6:30:00 PM
End: 10/8/2019 7:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

Appointment

From: Palomaki, Ashley [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: 9/30/2019 3:16:14 PM
To: Brown, Leah [Brown.Leah@epa.gov]

Subject: FW: Bristol Bay Review
Location: 4000 and Call in: Ex. 6 Personal Privacy (PP)

Start: 10/8/2019 6:30:00 PM
End: 10/8/2019 7:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Monday, September 30, 2019 5:58 AM
To: Leopold, Matt (OGC); Walker, Denise; Palomaki, Ashley; Fotouhi, David
Cc: Wehling, Carrie; Nalven, Heidi; Kelly, Lynn; Blake, Wendy; Castanon, Lisa; Epp, Timothy; Messier, Dawn; Neugeboren, Steven
Subject: FW: Bristol Bay Review
When: Tuesday, October 08, 2019 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 4000 and Call in: **Ex. 6 Personal Privacy (PP)**

-----Original Appointment-----
From: Mutz, John (Fletcher) **On Behalf Of** Leopold, Matt (OGC)
Sent: Monday, September 30, 2019 8:58 AM
To: Leopold, Matt (OGC); Walker, Denise; Palomaki, Ashley; Fotouhi, David
Subject: Bristol Bay Review
When: Tuesday, October 08, 2019 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 4000 and Call in: **Ex. 6 Personal Privacy (PP)**

Please forward to whoever in R10 needs to be on the call.

Thanks,
Fletcher

AMERICAN OVERSIGHT

To: Szelag, Matthew[Szelag.Matthew@epa.gov]
Cc: Peterson, Erik[Peterson.Erik@epa.gov]
From: Palomaki, Ashley[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=51778D942F2741F8885A8180EC2D6036-PALOMAKI, A]
Sent: Mon 11/4/2019 6:30:03 PM (UTC)
Subject: RE: Bristol Bay - 2017 Docket Additions (EPA-R10-OW-2017-0369)
meeting notes - RA meeting with Collier.110119.pdf

Thanks! You got a lot done. My notes to you are below. I can help upload documents this afternoon – I get done with meetings at 3.

Ex. 5 Deliberative Process (DP)

My calendar is up to date. The schedule keeps getting moved up and I'd like to get things transferred to the docket ASAP. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ashley Palomaki
Acting Deputy Regional Counsel
U.S. EPA Region 10 Office of Regional Counsel
1200 Sixth Avenue, Suite 155, M/S 11-C07
Seattle, WA 98101
206-553-8582

From: Szelag, Matthew <Szelag.Matthew@epa.gov>
Sent: Monday, November 04, 2019 9:34 AM
To: Palomaki, Ashley <Palomaki.Ashley@epa.gov>
Cc: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: FW: Bristol Bay - 2017 Docket Additions (EPA-R10-OW-2017-0369)

Hi Ashley,
I'm assuming we'll discuss the AR more on Tuesday during our prep call, but I wanted to loop you in so that you were aware Erik and I spoke Friday and I started to search for/find some of the documents cited in the FR. Please see the list and email chain below.

FYI - During the Water Division Monday morning meeting, Cami and Cara talked about setting up a meeting with you to discuss status of the AR.

Thanks,

Matthew Szelag | Water Quality Standards Coordinator
U.S. Environmental Protection Agency | **Region 10**
222 W 7th Avenue, #19 | Anchorage, AK 99513
P: (907) 271.1208 | szelag.matthew@epa.gov

From: Szelag, Matthew
Sent: Friday, November 01, 2019 4:17 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: Bristol Bay - 2017 Docket Additions (EPA-R10-OW-2017-0369)

Hi Erik,
I was able to find the documents highlighted in green below and uploaded them to the SP folder. I added a few notations in red text for explanation for a couple documents.

I'll try to keep searching for a few of remaining ones next week, but based on some of the titles, it may be difficult for me to find them.

Have a great weekend and thanks for the good conversation today.

Matthew Szelag | Water Quality Standards Coordinator
U.S. Environmental Protection Agency | **Region 10**

AMERICAN RIVERS

222 W 7th Avenue, #19 | Anchorage, AK 99513
P: (907) 271.1208 | szelag.matthew@epa.gov

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Friday, November 01, 2019 11:25 AM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>
Subject: Bristol Bay - 2017 Docket Additions (EPA-R10-OW-2017-0369)

Hi Matt,

Let's work together to add the list of documents to the following folder.

C:\Users\EPeter01\OneDrive - Environmental Protection Agency (EPA)\2. Other Duties As Assigned\1. Bristol Bay - Erik\2019 litigation Administrative Record\2017 Docket Additions (EPA-R10-OW-2017-0369)
https://usepa-my.sharepoint.com/:f:/g/personal/peterson_erik_epa_gov/EkKtxFKq2NxEv3RVgK5UNnIBKTMFIxYbwtTxlSbY3PipYg?e=HvQG1O

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

2017 Docket Additions (EPA-R10-OW-2017-0369) – Items highlighted yellow are already in the docket.

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Ex. 5 Deliberative Process (DP)

AMERICAN OVERSIGHT

Meeting Notes Modified on November 1, 2019 to Remove Potential Confidential Business Information Identified by the Pebble Limited Partnership

Region 10 Regional Administrator meeting with Pebble Limited Partnership CEO
Topic: Requested by PLP as a "courtesy visit with the RA"
Meeting Date: June 7, 2018
Location: Regional Office; RA's conference room (Seattle, WA)
List of Third Party Attendees (including affiliation): • Tom Collier (CEO, PLP)
Did EPA decide which third parties would attend?: No; meeting was at request of Tom Collier
List of EPA Attendees: • Chris Hladick (Regional Administrator) • David Allnutt (Director, OERA)
Agenda: none
Did EPA/Third Party Set the Agenda?: n/a
Did EPA/Third Party Run the Meeting: meeting was held as a meet and greet.
Notes from Discussion (including individual advice/feedback provided to Agency): **This section is intended to compile individual input received from meeting attendees. It does not reflect group advice.* • Meeting began at 2pm Seattle time. • Collier confirmed that he had no agenda for the meeting other than to introduce himself to Hladick and let EPA know what was happening with the Corps' consideration of the Pebble Mine project.   ○ The Corps' scoping public comment period concludes at the end of this month.   ○ The Corps has been processing comments as they come in.   ○ Current plan is to have a draft EIS approximately one year from now (spring 2019). • Hladick conveyed his understanding that PLP has been studying the project area for many years. • Collier stated that he had worked in permitting his whole career and had never seen a project that considered more alternatives than have been considered for this mine.   ○ But he acknowledged that the EIS process could suggest new alternatives that PLP has not yet considered. • Collier discussed his opinions related to mine resistance, proposed project plan alternatives, investor discussions, and Pebble deposit ore availability. • Hladick expressed his appreciation for the information and for Collier's time. • Meeting adjourned at approximately 2:25pm Seattle time.
Next Steps/Follow-up Discussed: None

AMERICAN OVERSIGHT

Appointment

From: Packard, Elise [Packard.Elise@epa.gov]
Sent: 10/8/2019 2:08:38 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]

Subject: FW: Bristol Bay Moot Briefing Prep/Call-in Ex. 6 Personal Privacy (PP)
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 10/8/2019 3:30:00 PM
End: 10/8/2019 4:00:00 PM
Show Time As: Busy

-----Original Appointment-----
From: Packard, Elise
Sent: Monday, October 07, 2019 3:52 PM
To: Packard, Elise; Willey, Katharine; Epp, Timothy; Walker, Denise; Messier, Dawn; Palomaki, Ashley
Subject: Bristol Bay Moot Briefing Prep/Call-in Ex. 6 Personal Privacy (PP)
When: Tuesday, October 08, 2019 11:30 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN6013/DC-Ariel-Rios-OGC

AMERICAN OVERSIGHT

Appointment

From: Wehling, Carrie [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3E55F11FDC7489698BE69849B301DA6-CWEHLING]
Sent: 11/4/2019 4:54:03 PM
To: Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]

Subject: FW: Bristol Bay Career Leadership Bi-Weekly Check-in
Location: R10Sea-Room-14Elwha/R10-Rooms-Service-Center; DCRoomWest7129/DC-CCW-OWOW

Start: 11/6/2019 6:30:00 PM
End: 11/6/2019 7:30:00 PM
Show Time As: Tentative

Recurrence: Weekly
every 2 week(s) on Wednesday from 10:30 AM to 11:30 AM

As discussed by email.

-----Original Appointment-----
From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Friday, April 12, 2019 2:12 PM
To: Peterson, Erik; Neugeboren, Steven; Goodin, John; Tomiak, Robert; McGrath, Patricia; Hough, Palmer; Nalven, Heidi; Palomaki, Ashley; Vaughan, Molly; Steiner-Riley, Cara; Lindsay, Andrea; Barger, Cindy; Skadowski, Suzanne; Nogi, Jill; Fordham, Tami; Stern, Allyn; Detwiler, Susan K.; Barnhart, Megan; Kaiser, Russell; Frazer, Brian; LaCroix, Matthew; Szerlog, Michael; Hoppe, Allison; Schaedle, Candi; Marshall, Tom; Wehling, Carrie; Opalski, Dan; Chung, Angela; Grandinetti, Cami; Rountree, Marthea; Castanon, Lisa; Szelag, Matthew
Cc: Baca, Andrew
Subject: Bristol Bay Career Leadership Bi-Weekly Check-in
When: Wednesday, November 06, 2019 10:30 AM-11:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: R10Sea-Room-14Elwha/R10-Rooms-Service-Center; DCRoomWest7129/DC-CCW-OWOW

→ Join by Phone

Toll number: Ex. 6 Personal Privacy (PP)
Conference I

Local numbers: Seattle Ex. 6 Personal Privacy (PP) Anchorage Ex. 6 Personal Privacy (PP)

→ Meeting Organizer

Erik Peterson, USEPA (206) 553-6382 office

AMERICAN OVERSIGHT

Appointment

From: Packard, Elise [Packard.Elise@epa.gov]
Sent: 10/7/2019 7:51:33 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Messier, Dawn [Messier.Dawn@epa.gov]; Palomaki, Ashley [Palomaki.Ashley@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]

Subject: Bristol Bay Moot Briefing Prep/Call-in # **Ex. 6 Personal Privacy (PP)**
Location: DCRoomARN6013/DC-Ariel-Rios-OGC

Start: 10/8/2019 3:30:00 PM
End: 10/8/2019 4:00:00 PM
Show Time As: Busy

AMERICAN OVERSIGHT

To: Szelag, Matthew[Szelag.Matthew@epa.gov]; McGrath, Patricia[mcgrath.patricia@epa.gov]; Detwiler, Susan K.[detwiler.susan@epa.gov]
From: Opalski, Dan[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8B5ED6410D934BF699A008A252791A55-OPALSKI, DAN]
Sent: Thur 12/19/2019 5:14:07 PM (UTC)
Subject: FW: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update

Matt/Patty/Sue – I wanted you to see what I ended up sending to the senior group among the three key offices and the Region.

From: Opalski, Dan
Sent: Wednesday, December 18, 2019 3:42 PM
To: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>; Hladick, Christopher <hladick.christopher@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Bolen, Brittany <bolen.brittany@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Tomiak, Robert <tomiak.robert@epa.gov>
Subject: Proposed Pebble Mine Preliminary Final EIS -- Schedule Update

All –

We have learned today from the Corps that the Pebble Preliminary Final EIS will be sent to cooperating agencies on Feb 7 for a 45-day review period. The Corps is planning another series of technical meetings about 30 days into the review period, possibly during the week of March 9. We will provide more information on the exact dates of the meetings and topics after we get these additional details from the Corps. The Corps is still updating the schedule for the Final EIS and that updated schedule is not expected until January.

Based on this news, Molly Vaughan in our Anchorage office will be developing a schedule for our team's review of the PFEIS.

In addition, the Corps shared that they requested an updated Compensatory Mitigation Plan from the Pebble Limited Partnership to include as an appendix to the PFEIS. We can request that the updated plan be one of the topics during the March technical meetings.

Note that the Corps is communicating this news to the Cooperating Agencies, but from what we understand they do not intend to communicate more broadly until they finish the schedule for the FEIS.

Dan Opalski
Director
Water Division
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
206-553-1855
FAX: 206-553-1280

AMERICAN OVERSIGHT

To: Peterson, Erik[Peterson.Erik@epa.gov]
From: Mutz, John (Fletcher)[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEAA6512608B46548048F5050ED47658-MUTZ, JOHN]
Sent: Wed 11/13/2019 6:24:31 PM (UTC)
Subject: RE: Bristol Bay Career and Senior Leadership Check-in

Erik,
I just spoke with Matt about this, and we think it best if the Region sends out the Outlook invite for this. I would be happy to give you times where this will work for Matt and David, and yes, the 4045 conference room here will work best for VTC.
Knowing how difficult it is to schedule because of the time change, I will make any time available on any of those three days (Dec 10th, Feb 6th and 11th)
Thanks,
Fletcher

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Friday, November 8, 2019 4:37 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: RE: Bristol Bay Career and Senior Leadership Check-in
Thank you for setting this up. Re-sending these changes just so they are directly associated with the meeting of interest.

- Rename the Dec. 10 (and Feb) meeting to "Pebble Project Policy Briefing"

- Schedule a new meeting as "Pebble Project Policy Briefing" for February 6th or 11th.

- Change so that attendees are as follow (current as of 11/8/19)s:

    - Required senior attendees: Matt Leopold, David Fotouhi, Lee Forsgren, Brittany Bolen, Chris Hladick
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    - Required other attendees: Sue Detweiler, Cami Grandinetti, Patty McGrath, Matt LaCroix, Molly Vaughan, Palmer Hough, Ashley Palomaki, Cara Steiner-Riley, Heidi Nalven, Carrie Wehling, Marthea Rountree, Cindy Barger, Jill Nogi, Erik Peterson, Matt Szelag

- One way to get to having the right attendees for the Dec. and Feb. invites would be to REMOVE the following names from the Nov. 13th meeting: Tami Fordham, Megan Barnhart, Russ Kaiser, Brian Frazer, Michael Szerlog, Allison Hoppe, Tom Marshall, Angela Chung, Lisa Castanon, Andrea Lindsay, Suzanne Skadowski,

- I do think it would be nice to have VTC and am happy to help with logistics on that. If you can help arrange the VTC, that is great.

    - In Seattle, a normal place to have this would be the RA's conference room. Pamela Gahner would be a good contact for that.
    - In Alaska, a room is R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO. I don't have a contact for that, but if you need assistance to include that in the reservation let me know.
    - I'm assuming that the OGC room (DCRoomARN4045/DC-Ariel-Rios-OGC) works for VTC.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

-----Original Appointment-----
From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Tuesday, November 5, 2019 11:27 AM
To: Leopold, Matt (OGC); Mutz, John (Fletcher); Fotouhi, David; Neugeboren, Steven; Goodin, John; Tomiak, Robert; McGrath, Patricia; Hough, Palmer; Nalven, Heidi; Palomaki, Ashley; Vaughan, Molly; Steiner-Riley, Cara; Lindsay, Andrea; Barger, Cindy; Skadowski, Suzanne; Nogi, Jill; Fordham, Tami; Stern, Allyn; Detwiler, Susan K.; Barnhart, Megan; Kaiser, Russell; Frazer, Brian; LaCroix, Matthew; Szerlog, Michael; Hoppe, Allison; Schaedle, Candi; Marshall, Tom; Wehling, Carrie; Opalski, Dan; Chung, Angela; Grandinetti, Cami; Rountree, Marthea; Castanon, Lisa; Szelag, Matthew; Baca, Andrew; Hladick, Christopher; Peterson, Erik

AMERICAN OVERSIGHT

Subject: Bristol Bay Career and Senior Leadership Check-in
When: Tuesday, December 10, 2019 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center and Call [redacted]

Agenda in-progress.
Call in [redacted]
Code: [redacted]

AMERICAN OVERSIGHT

To: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Fri 11/8/2019 9:36:59 PM (UTC)
Subject: RE: Bristol Bay Career and Senior Leadership Check-in

Thank you for setting this up. Re-sending these changes just so they are directly associated with the meeting of interest.

- Rename the Dec. 10 (and Feb) meeting to "Pebble Project Policy Briefing"

- Schedule a new meeting as "Pebble Project Policy Briefing" for February 6th or 11th.

- Change so that attendees are as follow (current as of 11/8/19)s:

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- One way to get to having the right attendees for the Dec. and Feb. invites would be to REMOVE the following names from the Nov. 13th meeting: Tami Fordham, Megan Barnhart, Russ Kaiser, Brian Frazer, Michael Szerlog, Allison Hoppe, Tom Marshall, Angela Chung, Lisa Castanon, Andrea Lindsay, Suzanne Skadowski,

- I do think it would be nice to have VTC and am happy to help with logistics on that. If you can help arrange the VTC, that is great.

  - In Seattle, a normal place to have this would be the RA's conference room. Pamela Gahner would be a good contact for that.
  - In Alaska, a room is R10AOO-Room-Raven-25-VTC/R10-Rooms-AOO. I don't have a contact for that, but if you need assistance to include that in the reservation let me know.
  - I'm assuming that the OGC room (DCRoomARN4045/DC-Ariel-Rios-OGC) works for VTC.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

-----Original Appointment-----
From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Tuesday, November 5, 2019 11:27 AM
To: Leopold, Matt (OGC); Mutz, John (Fletcher); Fotouhi, David; Neugeboren, Steven; Goodin, John; Tomiak, Robert; McGrath, Patricia; Hough, Palmer; Nalven, Heidi; Palomaki, Ashley; Vaughan, Molly; Steiner-Riley, Cara; Lindsay, Andrea; Barger, Cindy; Skadowski, Suzanne; Nogi, Jill; Fordham, Tami; Stern, Allyn; Detwiler, Susan K.; Barnhart, Megan; Kaiser, Russell; Frazer, Brian; LaCroix, Matthew; Szerlog, Michael; Hoppe, Allison; Schaedle, Candi; Marshall, Tom; Wehling, Carrie; Opalski, Dan; Chung, Angela; Grandinetti, Cami; Rountree, Marthea; Castanon, Lisa; Szelag, Matthew; Baca, Andrew; Hladick, Christopher; Peterson, Erik

AMERICAN OVERSIGHT

Subject: Bristol Bay Career and Senior Leadership Check-in
When: Tuesday, December 10, 2019 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center and Call [redacted]
[redacted]

Agenda in-progress.

Call in [redacted]
Code: [redacted]

AMERICAN OVERSIGHT

To: Szelag, Matthew[Szelag.Matthew@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Wed 12/4/2019 8:35:13 PM (UTC)
Subject: RE: R10 ORA Meeting Request Pebble Project Policy Briefing
R10 ORA Request_Pebble Project Policy Briefing.docx

Original request attached.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

From: Peterson, Erik
Sent: Wednesday, December 4, 2019 12:25 PM
To: Szelag, Matthew <Szelag.Matthew@epa.gov>
Subject: FW: R10 ORA Meeting Request Pebble Project Policy Briefing

FYI – hope to talk with you about this.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

From: Peterson, Erik
Sent: Tuesday, December 3, 2019 4:27 PM
To: R10-ORA <R10-ORA@epa.gov>
Subject: RE: R10 ORA Meeting Request Pebble Project Policy Briefing

Thank you Joyce!

And, just to confirm, we are currently discussing whether to keep December 10th or to postpone to a later date. Sounds like Dec. 19 from 10-11 could be that possible later date.

It will be helpful to know from Fletcher if Dec. 19 or some other later than the 10th date works.

I should know whether we want to postpone by mid-day tomorrow.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

AMERICAN OVERSIGHT

From: R10-ORA <R10-ORA@epa.gov>
Sent: Tuesday, December 3, 2019 4:11 PM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: R10 ORA Meeting Request Pebble Project Policy Briefing

Hi Erik,

I removed Matt Leopard and added Matt Leopold.

The 18th from 10:30-11:30 conflicts with the ORA Open House. I looked at the scheduling assistant and it seems as though Dec 19 from 10-11 works best for most. But, I'll confirm with Fletcher on a date/time that works for Matt.

Thanks,
Joyce

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Tuesday, December 3, 2019 2:58 PM
To: R10-ORA <R10-ORA@epa.gov>
Subject: RE: R10 ORA Meeting Request Pebble Project Policy Briefing

Hello,

I'm writing to with two requests related to the attached ORA briefing request.

1. Please remove Matt Leopard from the meeting invite. The briefing is for Matt Leopold, he needs to stay on.

2. Can you let me know if we could move this briefing from Dec. 10th to Dec. 17, 18, 19 or 20? John Mutz is Matt Leopold's scheduler and we may need to check with him to see if this works for Matt Leopold. Dec. 18 from 10:30 – 11:30 am is a good time for many of the people in the meeting.

Thank you for any help you can provide with this!

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

AMERICAN OVERSIGHT

Meeting/Event Request for Region 10 - Office of the Regional Administrator

Please submit this form for any official briefings/updates for the RA/DRA or event attendance requests.

Today's Date:

11/15/19

Requesting Office:

Water Division

Title/Topic of the Meeting/Event (please define any acronyms):

Pebble Project Policy Briefing

Administrator or Deputy Administrator or Both?

Regional Administrator

Purpose (informational, decisional, other):

Informational

Role of RA/DRA:

Participant

Last possible date for the meeting (if urgent, explain why) or date of event:

December 10th, 2019

Requested Time Length:

1 hour

EPA Staff (Required):

Matt Leopold, David Fotouhi, Lee Forsgren, Brittany Bolen, Chris Hladick, Steve Neugeboren, Dan Opalski, John Goodin, Rob Tomiak, Andrew Baca, Sue Detweiler, Cami Grandinetti, Patty McGrath, Matt LaCroix, Molly Vaughan, Palmer Hough, Ashley Palomaki, Cara Steiner-Riley, Heidi Nalven, Carrie Wehling, Marthea Rountree, Cindy Barger, Jill Nogi, Erik Peterson, Matt Szelag

EPA Staff (Optional):

External Participants (please provide email address and/or point of contact):

None

Audio Line or Video Conference or other technology needs required (provide details)?

Video Conference. Room in Washington DC is DCRoomARN4045/DC-Ariel-Rios-OGC. Contact John Mutz with issues reserving this room.

NOTE: Please submit Meeting Requests to R10-ORA@epa.gov and copy your OD/Associate. All briefing materials must be provided by 3:00 pm three business days before your meeting or the meeting may be rescheduled.

AMERICAN OVERSIGHT

Point of Contact for the Meeting:

Erik Peterson

NOTE: Please submit Meeting Requests to R10-ORA@epa.gov and copy your OD/Associate. All briefing materials must be provided by 3:00 pm three business days before your meeting or the meeting may be rescheduled.

AMERICAN OVERSIGHT

To: Mutz, John (Fletcher)[mutz.john@epa.gov]
From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Sent: Thur 11/14/2019 6:03:42 PM (UTC)
Subject: RE: Bristol Bay Career and Senior Leadership Check-in

Thank you Fletcher, I'll work on getting the invite to come from the R10 Regional Administrator tomorrow.

Erik Peterson
U.S. EPA, Region 10
1200 Sixth Avenue, Suite #155
Mail Code: 14-D2
Seattle, Washington 98101-3188
(206) 553-6382

From: Mutz, John (Fletcher) <mutz.john@epa.gov>
Sent: Wednesday, November 13, 2019 10:25 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: RE: Bristol Bay Career and Senior Leadership Check-in

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Fletcher

From: Peterson, Erik <Peterson.Erik@epa.gov>
Sent: Friday, November 8, 2019 4:37 PM
To: Mutz, John (Fletcher) <mutz.john@epa.gov>
Subject: RE: Bristol Bay Career and Senior Leadership Check-in

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AMERICAN OVERSIGHT

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Erik Peterson
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-----Original Appointment-----
From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Tuesday, November 5, 2019 11:27 AM
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When: Tuesday, December 10, 2019 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN4045/DC-Ariel-Rios-OGC; R10Sea-Room-21Nisqually-Expand/R10-Rooms-Service-Center and Call Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP)

Agenda in-progress.

Call in Ex. 6 Personal Privacy (PP)
Code: Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

From: Peterson, Erik[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ECBA75A9F9448D3980A693951129E64-PETERSON, ERIK]
Location: R10Sea-Room-14Elwha/R10-Rooms-Service-Center; DCRoomWest7129/DC-CCW-OWOW
Importance: High
Subject: Canceled: Bristol Bay Career Leadership Bi-Weekly Check-in
Start Time: Wed 11/6/2019 6:30:00 PM (UTC)
End Time: Wed 11/6/2019 7:30:00 PM (UTC)
Optional Attendees: Leopold, Matt (OGC); Fotouhi, David

Agenda

- Prepare for Nov. 13th meeting with Matt Leopold and David Fotouhi
- Updates on NEPA, 404, FOIA and Litigation

→ Join by Phone

Toll number Ex. 6 Personal Privacy (PP)
Conference

Local numbers: Seattle Ex. 6 Personal Privacy (PP) Anchorage Ex. 6 Personal Privacy (PP)

→ Meeting Organizer

Erik Peterson, USEPA (206) 553-6382 office

AMERICAN OVERSIGHT

To: Abboud, Michael[abboud.michael@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; Woods, Andrea[Woods.Andrea@epa.gov]
From: Schiermeyer, Corry[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: Fri 8/9/2019 4:57:27 PM (UTC)
Subject: RE: CNN follow up question on Pebble (for report today

Yes…please send

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Friday, August 9, 2019 12:53 PM
To: McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Re: CNN follow up question on Pebble (for report today

Everyone good?

Sent from my iPhone
On Aug 9, 2019, at 12:28 PM, Abboud, Michael <abboud.michael@epa.gov> wrote:

> Going to send this over.

Ex. 5 Deliberative Process (DP)

From: Abboud, Michael
Sent: Friday, August 9, 2019 11:14 AM
To: McFaul, Jessica <mcfaul.jessica@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Fwd: CNN follow up question on Pebble (for report today

FYI. Working with Matt on this **Ex. 5 Deliberative Process (DP)**

Sent from my iPhone
Begin forwarded message:

> **From:** "Devine, Curt" <Curt.Devine@cnn.com>
> **Date:** August 9, 2019 at 10:56:20 AM EDT
> **To:** "Abboud, Michael" <abboud.michael@epa.gov>, "Hackel, Angela" <Hackel.Angela@epa.gov>
> **Subject: CNN follow up question on Pebble (for report today)**
>
> Hi Michael and Angela,
>
> CNN will report that a meeting took place on June 27, led by Matthew Leopold, in which he said the proposed determination on Pebble Mine would be withdrawn. We have evidence that the meeting was called on behalf of Leopold and that he ran the meeting. Yesterday you told us that Leopold did not attend any meeting involving Pebble Mine on June 27, and therefore any announcement at any such meeting would lack authority. [You said, "I don't know if there was another meeting, but the key decisionmaker was not at any meeting."]
>
> Do you want to correct the record before this story airs?
>
> We would appreciate any follow-up response by 2pm.

AMERICAN OVERSIGHT

Thanks again,

Curt Devine
CNN, Washington
curt.devine@cnn.com
202-515-2862
Ex. 6 Personal Privacy (PP)

AMERICAN OVERSIGHT

Message

From: Devine, Curt [Curt.Devine@cnn.com]
Sent: 8/8/2019 7:37:14 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: FW: CNN questions for Pebble Mine report Monday

Hi Michael – can you give me a quick call when you have a moment? This story is now airing tomorrow and there's something I'd like to run by you. Thanks again,

Curt Devine
CNN, Washington
curt.devine@cnn.com
202-515-2862
678-576-6976 (cell)

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Monday, August 5, 2019 12:43 PM
To: Devine, Curt <Curt.Devine@cnn.com>; Hackel, Angela <Hackel.Angela@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: CNN questions for Pebble Mine report Monday

Hey Curt, you can attribute to me.

"EPA withdrew the 2014 Proposed Determination for the use of the Pebble Deposit Area as a waste site, after five years and over 2.8 million public comments. The previous administration's preemptive veto of this project, without a permit even being submitted, was a departure from regular order and the Trump administration is seeking a return to the correct provess. This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision."

Please see the press release: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

From: Devine, Curt <Curt.Devine@cnn.com>
Sent: Friday, August 2, 2019 1:11 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>
Cc: Press <Press@epa.gov>
Subject: CNN questions for Pebble Mine report Monday

Hi Michael, Angela and colleagues,

AMERICAN OVERSIGHT

CNN is preparing a report for broadcast and digital publication about EPA's decision to withdraw from the proposed determination related to the proposed Pebble Mine. We would appreciate answers to the following questions by Monday at 1pm. Please feel free to call us to discuss any aspect of this.

- Did the White House direct the EPA to withdraw from this proposed determination on June 26 and/or June 27? If so, when specifically? If not, has the EPA consulted with the White House about this decision? If so, when and in what capacity?

- How does EPA respond to the characterization from EPA insiders as well as former EPA officials who have told us this decision appears driven by politics rather than scientific findings about the mine's environmental impact on this area?

- Upon restoring the special protections for Bristol Bay last year (January 26, 2018), an EPA press release made it clear the Pebble project could still apply for a permit, but included this statement: "their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable." Does EPA still believe the permit application must clear a high bar?

- We understand that EPA's decision to withdraw from the proposed determination was based in part on the notion that, "there is new information that has been generated since 2014, including information and preliminary conclusions in the Corps' DEIS, that conflict with EPA's Proposed Determination," yet EPA regional administrator Chris Hladick also wrote in a letter sent on July 1 that the Army Corps' DEIS "likely underestimates impacts and risks" of the mine on the region's water and air quality. If the EPA believes the Army Corp's draft report underestimates impacts and risks, why is the EPA using this information in its justification for withdrawing the proposed determination?

- What might EPA learn about a mine's environmental impacts on this region that were not learned during the three years of peer-reviewed study prior to the 2014 proposed determination?

Thank you very much,

Curt Devine
CNN, Washington
curt.devine@cnn.com
202-515-2862
678-576-6976 (cell)

AMERICAN OVERSIGHT

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 7/31/2019 6:40:17 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: FW: Is the pebble press release posted in your newsroom?

From: Skadowski, Suzanne
Sent: Wednesday, July 31, 2019 2:39 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Subject: RE: Is the pebble press release posted in your newsroom?

Hi Nancy,

We don't generally post HQ news releases to our R10 newsroom.

It's posted in the national newsroom: EPA Withdraws Outdated, Preemptive Proposed Determination to Restrict Use of the Pebble Deposit Area as a Disposal Site

We sent the release to our short list of Bristol Bay media contacts yesterday.

Thanks,
Suzanne

-----Original Message-----
From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Wednesday, July 31, 2019 11:34 AM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: Is the pebble press release posted in your newsroom?

Sent from my iPhone

AMERICAN OVERSIGHT

Message

From: Dylan Brown [dbrown@eenews.net]
Sent: 3/25/2019 10:03:47 PM
To: Abboud, Michael [abboud.michael@epa.gov]
Subject: RE: Wheeler recusal on Pebble

Thanks!

From: Abboud, Michael [mailto:abboud.michael@epa.gov]
Sent: Monday, March 25, 2019 6:03 PM
To: Dylan Brown <dbrown@eenews.net>
Subject: RE: Wheeler recusal on Pebble

The timing is addressed in the letter. And Administrator Wheeler delegated authority to EPA General Counsel Matthew Leopold.

From: Dylan Brown <dbrown@eenews.net>
Sent: Monday, March 25, 2019 5:53 PM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: RE: Wheeler recusal on Pebble

Wanted to double check two things:

- The Pebble recusal will continue even after the two-year period from Mr. Wheeler's appointment ends?
- Pebble issues have been delegated to EPA General Counsel Matthew Z. Leopold?

Thanks again,
Dylan

From: Dylan Brown
Sent: Monday, March 25, 2019 4:43 PM
To: 'Abboud, Michael' <abboud.michael@epa.gov>; Press <Press@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Wheeler recusal on Pebble

My thanks, Michael.

-Dylan

From: Abboud, Michael [mailto:abboud.michael@epa.gov]
Sent: Monday, March 25, 2019 4:41 PM
To: Dylan Brown <dbrown@eenews.net>; Press <Press@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: RE: Wheeler recusal on Pebble

Hey Dylan see attached.

AMERICAN OVERSIGHT

From: dbrown@eenews.net <dbrown@eenews.net>
Sent: Monday, March 25, 2019 4:00 PM
To: Press <Press@epa.gov>
Cc: Abboud, Michael <abboud.michael@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Konkus, John <konkus.john@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Subject: Wheeler recusal on Pebble

Hello all,

I am following up on the Bloomberg Environment report that Administrator Wheeler will recuse himself on issues related to the Pebble Mine.

Is it possible to obtain a copy of the March 20 letter mentioned in the article and the internal memo to EPA staff related to the decision?

Many thanks,

Dylan Brown
E&E News mining reporter
dbrown@eenews.net
202-737-4849 (office)
@DylanBrown26

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

AMERICAN OVERSIGHT

Message

From: Devine, Curt [Curt.Devine@cnn.com]
Sent: 8/9/2019 5:02:59 PM
To: Abboud, Michael [abboud.michael@epa.gov]
CC: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
Subject: RE: CNN follow up question on Pebble (for report today)

Got it – okay, thanks again.

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Friday, August 9, 2019 12:59 PM
To: Devine, Curt <Curt.Devine@cnn.com>
Cc: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: Re: CNN follow up question on Pebble (for report today)

Just sent you a response.

Sent from my iPhone

On Aug 9, 2019, at 12:57 PM, Devine, Curt <Curt.Devine@cnn.com> wrote:

> Hi Michael and Angela, just flagging this again to make sure you saw it. Please keep us posted if you have any updated information. Thanks so much,
>
> Curt
>
> **From:** Devine, Curt
> **Sent:** Friday, August 9, 2019 10:56 AM
> **To:** Abboud, Michael <abboud.michael@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>
> **Subject:** CNN follow up question on Pebble (for report today)
>
> Hi Michael and Angela,
>
> CNN will report that a meeting took place on June 27, led by Matthew Leopold, in which he said the proposed determination on Pebble Mine would be withdrawn. We have evidence that the meeting was called on behalf of Leopold and that he ran the meeting. Yesterday you told us that Leopold did not attend any meeting involving Pebble Mine on June 27, and therefore any announcement at any such meeting would lack authority. [You said, "I don't know if there was another meeting, but the key decisionmaker was not at any meeting."]
>
> Do you want to correct the record before this story airs?
>
> We would appreciate any follow-up response by 2pm.
>
> Thanks again,
>
> Curt Devine
> CNN, Washington
> curt.devine@cnn.com
> 202-515-2862
> 678-576-6976 (cell)

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

To: Press[Press@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Fri 8/2/2019 5:25:26 PM (UTC)
Subject: Fwd: CNN questions for Pebble Mine report Monday

Is the 3rd floor handling? Please let me know if you need me to reach out to the program office.
Thanks!

Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell Ex. 6 Personal Privacy (PP)

Begin forwarded message:

Resent-From: <Press@epa.gov>
From: "Devine, Curt" <Curt.Devine@cnn.com>
Date: August 2, 2019 at 1:10:55 PM EDT
To: "Abboud, Michael" <abboud.michael@epa.gov>, "Hackel, Angela" <Hackel.Angela@epa.gov>
Cc: Press <Press@epa.gov>
Subject: CNN questions for Pebble Mine report Monday

Hi Michael, Angela and colleagues,

CNN is preparing a report for broadcast and digital publication about EPA's decision to withdraw from the proposed determination related to the proposed Pebble Mine. We would appreciate answers to the following questions by Monday at 1pm. Please feel free to call us to discuss any aspect of this.

- Did the White House direct the EPA to withdraw from this proposed determination on June 26 and/or June 27? If so, when specifically? If not, has the EPA consulted with the White House about this decision? If so, when and in what capacity?

- How does EPA respond to the characterization from EPA insiders as well as former EPA officials who have told us this decision appears driven by politics rather than scientific findings about the mine's environmental impact on this area?

- Upon restoring the special protections for Bristol Bay last year (January 26, 2018), an EPA press release made it clear the Pebble project could still apply for a permit, but included this statement: "their permit application must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable." Does EPA still believe the permit application must clear a high bar?

- We understand that EPA's decision to withdraw from the proposed determination was based in part on the notion that, "there is new information that has been generated since 2014, including information and preliminary conclusions in the Corps' DEIS, that conflict with EPA's Proposed Determination," yet EPA regional administrator Chris Hladick also wrote in a letter sent on July 1 that the Army Corps' DEIS "likely underestimates impacts and risks" of the mine on the region's water and air quality. If the EPA believes the Army Corp's draft report underestimates impacts and risks, why is the EPA using this information in its justification for withdrawing the proposed determination?

AMERICAN OVERSIGHT

- What might EPA learn about a mine's environmental impacts on this region that were not learned during the three years of peer-reviewed study prior to the 2014 proposed determination?

Thank you very much,

Curt Devine
CNN, Washington
curt.devine@cnn.com
202-515-2862
678-576-6976 (cell)

AMERICAN OVERSIGHT

To: Press[Press@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Wed 7/31/2019 7:32:57 PM (UTC)
Subject: FW: EPA withdraws protections for Bristol Bay

For HQ press office.

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Michael Ho <mho@tradexfoods.com>
Sent: Wednesday, July 31, 2019 12:21 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: EPA withdraws protections for Bristol Bay

Hi there,

My name is Michael Ho from Tradex Foods and i'm just gathering some research for an upcoming 3-Minute Market Insight.

Would we be able to get a comment from the EPA on the Trump Administrations recent decision to withdraw Obama-era proposed Clean Water Act protections for Bristol Bay?

1. What is the EPA's reaction to this news?
2. How will this affect Bristol Bay Fisheries?

Thanks

Michael Ho - IT Operations & Digital Media

Tradex Foods - 410-3960 Quadra Street Victoria, B.C., Canada

Office 1-250-479-1355 • **Toll Free** 1-877-479-1355 • **Fax** 1-250-479-5777

Mobile 1-250-885-5887 • **Skype** michael-tradex • **Google Hangouts** mho@tradexfoods.com

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On Wed, Jul 31, 2019 at 11:44 AM EPA-Seattle <EPA-Seattle@epa.gov> wrote:
Please email your questions/concerns to SKADOWSKI.SUZANNE@epa.gov
Thanks.

From: Michael Ho <mho@tradexfoods.com>
Sent: Wednesday, July 31, 2019 10:57 AM
To: EPA-Seattle <EPA-Seattle@epa.gov>
Subject: EPA withdraws protections for Bristol Bay

Hi there,

My name is Michael Ho from Tradex Foods and i'm just gathering some research for an upcoming 3-Minute Market Insight.

Would we be able to get a comment from the EPA on the Trump Administrations recent decision to withdraw Obama-era proposed Clean Water Act protections for Bristol Bay?

1. What is the EPA's reaction to this news?
2. How will this affect Bristol Bay Fisheries?

Thanks

Michael Ho - IT Operations & Digital Media

Tradex Foods - 410-3960 Quadra Street Victoria, B.C., Canada

Office 1-250-479-1355 • **Toll Free** 1-877-479-1355 • **Fax** 1-250-479-5777

Mobile 1-250-885-5887 • **Skype** michael-tradex • **Google Hangouts** mho@tradexfoods.com

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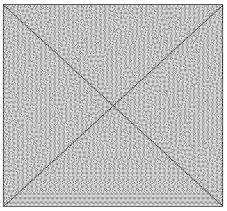
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Error! Filename not specified.

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To: Hackel, Angela[Hackel.Angela@epa.gov]
Cc: Press[Press@epa.gov]
From: Michael Ho[mho@tradexfoods.com]
Sent: Wed 7/31/2019 10:50:17 PM (UTC)
Subject: Re: EPA withdraws protections for Bristol Bay
ATT00001.txt

Thank you Angela.



Michael Ho - IT Operations & Digital Media
Tradex Foods - 410-3960 Quadra Street Victoria, B.C., Canada
Office 1-250-479-1355 • **Toll Free** 1-877-479-1355 • **Fax** 1-250-479-5777
Mobile 1-250-885-5887 • **Skype** michael-tradex • **Google Hangouts** mho@tradexfoods.com
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On Wed, Jul 31, 2019 at 1:23 PM Hackel, Angela <Hackel.Angela@epa.gov> wrote:

Hi Michael,

I received your inquiry from my colleague. Please see our response below.

On background:

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Please see the press release: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit.

Thanks,

Angela

AMERICAN OVERSIGHT

Angela Hackel
Office of Public Affairs

Office of the Administrator

U.S. Environmental Protection Agency

Washington, DC 20460

Office: 202.566.2977

Cel Ex. 6 Personal Privacy (PP)

From: Michael Ho <mho@tradexfoods.com>
Sent: Wednesday, July 31, 2019 12:21 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Re: EPA withdraws protections for Bristol Bay

Hi there,

My name is Michael Ho from Tradex Foods and i'm just gathering some research for an upcoming 3-Minute Market Insight.

Would we be able to get a comment from the EPA on the Trump Administrations recent decision to withdraw Obama-era proposed Clean Water Act protections for Bristol Bay?

1. What is the EPA's reaction to this news?
2. How will this affect Bristol Bay Fisheries?

Thanks

Michael Ho - IT Operations & Digital Media

Tradex Foods - 410-3960 Quadra Street Victoria, B.C., Canada

Office 1-250-479-1355 • **Toll Free** 1-877-479-1355 • **Fax** 1-250-479-5777

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To: Press[Press@epa.gov]
From: Hackel, Angela[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B2E0A52DBEBC4D8C84961F50C117334D-HACKEL, ANGELA]
Sent: Wed 7/31/2019 9:39:17 PM (UTC)
Subject: FW: Alaska Public Media interview request re Pebble Mine

FYI.

From: Liz Ruskin <lruskin@alaskapublic.org>
Sent: Wednesday, July 31, 2019 5:35 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: Re: Alaska Public Media interview request re Pebble Mine

Thank you. I requested an interview with Chris Hladick. Is that not possible?

Your response is essentially what EPA released yesterday. Many Alaskans read that yesterday and remain confused and concerned. I think an interview with Mr. Hladick would be more convincing, especially to our Alaska-wide radio audience. It's been my experience that interviews get the point across better than agency statements.

On Wed, Jul 31, 2019 at 4:26 PM Hackel, Angela <Hackel.Angela@epa.gov> wrote:
Hi Liz,

I received your inquiry from my colleague. Please see our response below.

On background:

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Thanks,

Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Liz Ruskin <lruskin@alaskapublic.org>
Sent: Wednesday, July 31, 2019 12:13 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Interview request

Hi Suzanne,

There's a lot of confusion in Alaska about what yesterday's announcement means - in particular, whether it means Region 10 is being forced to backtrack on its critique of the DEIS. People on both sides are reading between the lines of yesterday's notice to withdraw and drawing very specific conclusions that may or may not be warranted.

AMERICAN OVERSIGHT

It would really help clarify things if we could hear from Chris Hladick. Would it be possible to do a phone interview with him? I proposed a recorded interview (NOT live). Might take 10-15 minutes.

Thanks for considering my request.

Liz Ruskin
Washington, D.C.
Correspondent
Alaska Public Media

Cell: 202-322-7286

Office: 202-488-1961

lruskin@alaskapublic.org

www.AlaskaPublic.org/news

Follow me on Twitter: @lruskin

--

Liz Ruskin
Washington, D.C.
Correspondent
Alaska Public Media

Cell: 202-322-7286

Office: 202-488-1961

lruskin@alaskapublic.org

www.AlaskaPublic.org/news

Follow me on Twitter: @lruskin

AMERICAN OVERSIGHT

To: Lynn, Tricia[lynn.tricia@epa.gov]; Holsman, Marianne[Holsman.Marianne@epa.gov]
Cc: Hewitt, James[hewitt.james@epa.gov]; Press[Press@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]
From: Skadowski, Suzanne[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1713ED42E6E244BC9FCD783D4A8D39AB-SKADOWSKI, SUZANNE]
Sent: Fri 11/16/2018 4:45:34 PM (UTC)
Subject: RE: CEI press release on Bristol Bay
FW: IQA Petition - Bristol Bay Watershed Assessment

Our most recent statement is below, plus background info as needed. Note: checking through my emails, we sent this statement to this Seeking Alpha reporter in August.

Also attached is the email Palmer Hough shared with us yesterday, via John Goodin, when OW learned of the Competitive Enterprise Institute letter to EPA.

Looping in Andrea here too.

Statement

The U.S. Army Corps of Engineers is reviewing a Clean Water Act permit application from the Pebble Limited Partnership and has started the Environmental Impact Statement (EIS) process under the National Environmental Policy Act. The Corps is the lead agency to develop the EIS, and at the request of the Corps, EPA is working as a cooperating agency. The Corps held a scoping public comment period from April 1, 2018 through June 29, 2018. For more information on the permit status, please contact the Army Corps or visit the Pebble Project EIS website.

Background

(Info from our withdrawal suspension press release in January) In 2014, EPA issued a Clean Water Act Section 404(c) Proposed Determination that would, if finalized, restrict the discharge of dredged or fill material in the Bristol Bay watershed related to mining the Pebble copper and gold deposit. In a May 11, 2017, settlement agreement resolving outstanding lawsuits between EPA and the Pebble Limited Partnership, EPA agreed to initiate a process to propose to withdraw the Proposed Determination by July 11, 2017. In July-October 2017, EPA solicited public comment on whether to withdraw the Proposed Determination, and whether the Administrator should review the withdrawal decision if such a decision is made. After hearing directly from stakeholders and the people of Alaska, EPA suspended its process to withdraw the Proposed Determination, leaving it in place while the Agency receives more information on the potential mine's impact on the region's world-class fisheries and natural resources. EPA intends to solicit additional public comment on the impact of the Pebble Limited Partnership's December 2017 mining application on the existing Proposed Determination.

Suzanne Skadowski
Public Affairs Specialist | Media Relations
U.S. Environmental Protection Agency
Region 10 Pacific Northwest - Seattle
O: 206-553-2160 C: Ex. 6 Personal Privacy (PP)
Follow us on Twitter! @EPAnorthwest
Like us on Facebook! @eparegion10

From: Skadowski, Suzanne
Sent: Friday, November 16, 2018 7:56 AM
To: Lynn, Tricia <lynn.tricia@epa.gov>; Holsman, Marianne <Holsman.Marianne@epa.gov>
Cc: Hewitt, James <hewitt.james@epa.gov>; Press <Press@epa.gov>; MacIntyre, Mark <Macintyre.Mark@epa.gov>
Subject: Re: CEI press release

We have a desk statement on our current status/role in the project NEPA process we've used for recent public and news inquiries. I'll dig it out when I'm back at my desk.

AMERICAN OVERSIGHT

Suzanne Skadowski
U.S. Environmental Protection Agency
Pacific Northwest Region 10
206-553-2160 Office
Ex. 6 Personal Privacy (PP) Mobile

On Nov 16, 2018, at 7:50 AM, Skadowski, Suzanne <Skadowski.Suzanne@epa.gov> wrote:

> Our Bristol Bay team is aware of this, including OW managers. OW fwd the CEI petition to R10 as an FYI. Not sure if they looped in their OW comms. I can circle back around with the team to see if we have a response. Ex. 5 Deliberative Process (DP)
>
> Suzanne Skadowski
> U.S. Environmental Protection Agency
> Pacific Northwest Region 10
> 206-553-2160 Office
> Ex. 6 Personal Privacy (PP) Mobile
>
> On Nov 16, 2018, at 7:31 AM, Lynn, Tricia <lynn.tricia@epa.gov> wrote:
>
> > He typically writes for Seeking Alpha.
> >
> > ---
> >
> > **From:** Hewitt, James
> > **Sent:** Friday, November 16, 2018 10:27 AM
> > **To:** Holsman, Marianne <Holsman.Marianne@epa.gov>; Lynn, Tricia <lynn.tricia@epa.gov>
> > **Cc:** MacIntyre, Mark <Macintyre.Mark@epa.gov>; Dunbar, Bill <dunbar.bill@epa.gov>; Press <Press@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> > **Subject:** RE: CEI press release
> >
> > Who is this reporter with? Ex. 5 Deliberative Process (DP)
> >
> > ---
> >
> > **From:** Holsman, Marianne
> > **Sent:** Friday, November 16, 2018 10:24 AM
> > **To:** Lynn, Tricia <lynn.tricia@epa.gov>
> > **Cc:** MacIntyre, Mark <Macintyre.Mark@epa.gov>; Dunbar, Bill <dunbar.bill@epa.gov>; Press <Press@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
> > **Subject:** Re: CEI press release
> >
> > Hi Tricia:
> >
> > Suzanne Skadowski is our press officer for Bristol Bay.
> >
> > Also, Ex. 5 Deliberative Process (DP) We should include Andrea and Allison.
> >
> > **Ex. 5 Deliberative Process (DP)**
> >
> > We'll work w/OW and get something circulating.
> >
> > Marianne Holsman
> > Mobile: Ex. 6 Personal Privacy (PP)
> >
> > Sent from my iPhone, please excuse impolite brevity, typos and other embarrassing errors
> > On Nov 16, 2018, at 5:34 AM, Lynn, Tricia <lynn.tricia@epa.gov> wrote:

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Sending to R10 for response per Nancy G.

Thank you!

From: Ex. 6 Personal Privacy (PP)
Sent: Thursday, November 15, 2018 11:33 PM
To: Press <Press@epa.gov>
Subject: Fwd: CEI press release

Dear EPA,

I would like to request an official EPA comment on the below press release from CEI. Does EPA have a stance? Is there a time frame that we can expect a response from the EPA? If I can please request a response by tomorrow morning at 9am EST, I'd appreciate it. Thanks.

Paul Lebo

Sent from my iPhone

https://cei.org/sites/default/files/RFC_20181114_Bristol_Bay.pdf
>
>
>
>
>
>
<RFC_20181114_Bristol_Bay.pdf>

AMERICAN OVERSIGHT

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 10/25/2019 2:06:43 AM
To: Grant Robinson [grobinson@ktuu.com]
CC: Abboud, Michael [abboud.michael@epa.gov]; Press [Press@epa.gov]
Subject: Re: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

Grant a we'll have something for you tomorrow morning. I can share our response letter back to the Corps then. Does that work?

Sent from my iPhone

On Oct 24, 2019, at 9:30 PM, Grant Robinson <grobinson@ktuu.com> wrote:

> Hi all,
>
> Can you please clarify the deadline of the extension Army Corps granted the EPA?
>
> Today, October 24, is 90 days after July 26.
>
> Has the EPA responded to USACE, or is it choosing to not continue the elevation process?
>
> If the EPA has responded to the USACE Alaska district, can you please pass along a copy of that letter?
>
> Thanks,
>
> Grant Robinson
> KTUU Channel 2 News
>
> Get Outlook for iOS
>
> ---
>
> **From:** Abboud, Michael <abboud.michael@epa.gov>
> **Sent:** Thursday, August 8, 2019 9:22 AM
> **To:** Grant Robinson; Press
> **Subject:** RE: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271
>
> ***External Email – Be Suspicious of Attachments, Links, Tasks and Requests for Login Information***
> Hey Grant, 90 days from July 26th. Also see the below statement.
>
> "The Corps has agreed to grant the Agency a time extension of 90 days. EPA is still operating within the elevation process, while recognizing that this process is unique and that 25 days was an insufficient amount of time to work through the over 150 pages of comments EPA provided on July 1st. EPA will use the remaining time extension to work with the Corps to resolve these comments."**– EPA spokesman**
>
> ---
>
> **From:** Grant Robinson <grobinson@ktuu.com>
> **Sent:** Wednesday, August 7, 2019 8:25 PM
> **To:** Press <Press@epa.gov>
> **Subject:** KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271
>
> Hello,

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I see that the US Army Corps of Engineers granted the EPA request to extend the period for evaluating if the Pebble mine project*may* or *will* have an substantial and unacceptable impact on aquatic resources of national importance.

https://www.epa.gov/sites/production/files/2019-07/documents/bristol-bay-404q-90day-extension-corps-response-7-26-2019.pdf

I see the 25 day period was extended to 90 days. What is not clear to me is if that was a 90 days added onto the end of the standard 25 day period, or if it is 90 days total.

I have a few questions I'm hoping you can help me with:

- What is the deadline for the EPA to notify the USACE Alaska District Engineer on whether discharges from the PLP project will have substantial impact on the aquatic resources of national importance?
- Is the EPA required to send a letter by that date even if it finds no further impact than already described?
-

Additionally, I would like to request a copy of this letter when it becomes available.

Thanks for your help!

Grant Robinson
Multimedia Journalist
KTUU-TV
O: (907) 762-9260
C: (615) 339-7164
grobinson@ktuu.com

AMERICAN OVERSIGHT

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 10/25/2019 5:53:05 PM
To: Grant Robinson [grobinson@ktuu.com]
CC: Abboud, Michael [abboud.michael@epa.gov]; Press [Press@epa.gov]
Subject: Re: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

Grant -

Please see: https://www.epa.gov/bristolbay

Molly

Sent from my iPhone

On Oct 25, 2019, at 12:39 AM, Grant Robinson <grobinson@ktuu.com> wrote:

> That will be fine. Thanks Molly.
>
> Get Outlook for iOS
>
> ---
>
> **From:** Block, Molly <block.molly@epa.gov>
> **Sent:** Thursday, October 24, 2019 7:06:43 PM
> **To:** Grant Robinson <grobinson@ktuu.com>
> **Cc:** Abboud, Michael <abboud.michael@epa.gov>; Press <Press@epa.gov>
> **Subject:** Re: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271
>
> ***External Email – Be Suspicious of Attachments, Links, Tasks and Requests for Login Information***
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> Sent from my iPhone
>
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> >
> > Thanks,

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Grant Robinson
KTUU Channel 2 News

Get Outlook for iOS

From: Abboud, Michael <abboud.michael@epa.gov>
Sent: Thursday, August 8, 2019 9:22 AM
To: Grant Robinson; Press
Subject: RE: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

External Email – Be Suspicious of Attachments, Links, Tasks and Requests for Login Information
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"The Corps has agreed to grant the Agency a time extension of 90 days. EPA is still operating within the elevation process, while recognizing that this process is unique and that 25 days was an insufficient amount of time to work through the over 150 pages of comments EPA provided on July 1st. EPA will use the remaining time extension to work with the Corps to resolve these comments."**– EPA spokesman**

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Sent: Wednesday, August 7, 2019 8:25 PM
To: Press <Press@epa.gov>
Subject: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

Hello,

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https://www.epa.gov/sites/production/files/2019-07/documents/bristol-bay-404q-90day-extension-corps-response-7-26-2019.pdf

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- Is the EPA required to send a letter by that date even if it finds no further impact than already described?
-

Additionally, I would like to request a copy of this letter when it becomes available.

Thanks for your help!

Grant Robinson
Multimedia Journalist

AMERICAN OVERSIGHT

KTUU-TV
O: (907) 762-9260
C: (615) 339-7164
grobinson@ktuu.com

AMERICAN OVERSIGHT

Message

From: Block, Molly [block.molly@epa.gov]
Sent: 9/16/2019 7:54:27 PM
To: Baker, Mike [mike.baker@nytimes.com]
CC: Press [Press@epa.gov]
Subject: RE: Inquiry from NY Times

Mike –

Thanks for your patience.

"General Counsel Leopold and Regional Administrator Hladick have met with stakeholders on all sides of this important issue, including leaders of Tribal governments and Alaska Native organizations, members of the fishing industry, members of Alaska's congressional delegation, representatives of environmental groups, and proponents of the proposed mining project. Leopold, along with Regional Administrator Hladick and EPA regional staff, traveled to Alaska in June of this year to hear directly from stakeholders as well as from State and local lawmakers." – **EPA Spokesperson**

On background: The agency has attempted to restore normal order to the Pebble Mine permitting process after the previous administration took extraordinary steps to block the project even before the project's proponent submitted a permit application to the Army Corps of Engineers. EPA has been working with the Corps as part of the Corps' permit review process. In July, EPA Region 10 expressed the agency's views and recommendations to the Corps in 175 pages of detailed, publicly available comments on the Corps' draft NEPA Environmental Impact Statement and Clean Water Act section 404 analysis—some of the longest NEPA and CWA section 404 comments in EPA's history. These detailed comments included a letter under paragraph 3(a) of part IV of the 1992 MOA between EPA and the Corps under CWA section 404(q). In order to continue engaging with the Corps, receive and review additional information, and potentially resolve some of the issues EPA raised in its comments, EPA asked the Corps in writing for an extension of the subsequent 25-day deadline under paragraph 3(b) of the MOA. The Corps granted a 90-day extension of this deadline and committed to working closely with EPA. At the end of this extension period, EPA will assess and determine next steps.

From: Baker, Mike <mike.baker@nytimes.com>
Sent: Friday, September 13, 2019 5:03 PM
To: Block, Molly <block.molly@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: Inquiry from NY Times

Sure.

Seven days ahead of the EPA's June 26 announcement that gave a major boost to Northern Dynasty stock, an investor apparently heard from Northern Dynasty's CEO that EPA action on the project's proposed determination was expected within a couple of weeks. That doesn't appear to have been public knowledge elsewhere.

Ahead of the EPA's July 30 announcement that also boosted the company's stock, other investors apparently discussed promising "confidential" info that they had received.

I'd like to speak with Matthew Leopold and Chris Hladick about the conversations they had with Northern Dynasties and Pebble Limited, their decison-making process, and to whom they may have been sharing information.

Thank you. Mike

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...

Mike Baker | The New York Times

206-963-4489

@ByMikeBaker

On Fri, Sep 13, 2019 at 1:53 PM Block, Molly <block.molly@epa.gov> wrote:

> Mike –
>
> Just receiving this. Can you elaborate at all?
>
> Molly
>
> **From:** Baker, Mike <mike.baker@nytimes.com>
> **Sent:** Friday, September 13, 2019 4:53 PM
> **To:** Press <Press@epa.gov>
> **Subject:** Inquiry from NY Times
>
> Following up on my phone message:
>
> I'm a reporter at The New York Times working on a story about the Pebble Mine project. One issue that's come up is about some information shared among investors that preceded major EPA announcements about the project on June 26 and July 30.
>
> Please call me at 206-963-4489.
>
> Thank you. Mike
>
> ...

AMERICAN OVERSIGHT

Mike Baker | The New York Times

206-963-4489

@ByMikeBaker

AMERICAN OVERSIGHT

To: Hackel, Angela[Hackel.Angela@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Thur 8/15/2019 10:09:33 PM (UTC)
Subject: Re: Pebble inquiry

Sorry handling it.

Sent from my iPhone

On Aug 15, 2019, at 6:09 PM, Hackel, Angela <Hackel.Angela@epa.gov> wrote:

> Wanted to reflag the below for you.
>
> Thanks!
>
> ---
>
> **From:** Hackel, Angela <Hackel.Angela@epa.gov>
> **Sent:** Thursday, August 15, 2019 2:48 PM
> **To:** Press <Press@epa.gov>
> **Subject:** Fwd: Pebble inquiry
>
> Just checking to see the 3F will respond or if I should work with program offices.
>
> Thanks!
>
> Angela
>
> Angela Hackel
> Senior Advisor
> Office of Public Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency
> Office: 202.566.2977
> Cell: Ex. 6 Personal Privacy (PP)
> Begin forwarded message:
>
> > **Resent-From:** <Press@epa.gov>
> > **From:** "dbrown@eenews.net" <dbrown@eenews.net>
> > **Date:** August 15, 2019 at 2:45:25 PM EDT
> > **To:** Press <Press@epa.gov>
> > **Cc:** "awittenberg@eenews.net" <awittenberg@eenews.net>
> > **Subject: Pebble inquiry**
> >
> > Hello,
> >
> > Ariel and I are working on a story based on a draft version of EPA's comment letter regarding the proposed Pebble mine. It shows that career staff recommended the Army Corps conduct a revised or supplemental EIS. Sources tell us the decision not to include the language was made by political appointees. There are other key difference between this draft and final version of the comment letter.
> >
> > They include:
> >
> > • EPA deleted nine instances in the draft where the agency said it was "concerned" or had "concerns" about the science. The final version had only "comments and recommendations" for the Army Corps.
> > • A section of the draft letter was titled "Key Information Missing in the DEIS," the final comments labeled it "Project Description and Mitigation Details."
> > • Critical plans the draft described as "missing" from the analysis were later described as "yet to

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be developed" in the final version.

- The draft letter said conclusions that Pebble would not violate water and air quality standards "are not reasonably supported." The final letter said such claims "should be further supported."
- What the draft comments described as "numerous data, analytic, and information deficiencies," the final draft called "weaknesses."

We would like to know if you have any comment on the changes or the reasons for them.

Our deadline is tomorrow (8/16) at 12 p.m. EST.

Many thanks,

Dylan Brown
E&E News mining reporter
dbrown@eenews.net
202-737-4849 (office)
@DylanBrown26

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | @EENewsUpdates
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

AMERICAN OVERSIGHT

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 8/9/2019 4:58:25 PM
To: Devine, Curt [Curt.Devine@cnn.com]
CC: Hackel, Angela [Hackel.Angela@epa.gov]
Subject: Re: CNN follow up question on Pebble (for report today)

Here you are.

Matt Leopold issued a memo to the Region 10 Regional Administrator on June 26, directing him to resume consideration of withdrawing the 2014 preemptive veto—an action that EPA publicly proposed in July 2017 but paused in January 2018. The next day, June 27, Leopold participated in an internal meeting with career staff at Headquarters and in Region 10 (via videoconference) to discuss his June 26 memo and EPA's comment letters on the Army Corps' draft environmental impact statement and permit notice that the agency was preparing (and ultimately filed on July 1). EPA Region 10 ultimately decided to withdraw the proposed veto on July 30 for the reasons explained in its 28-page publicly available decision.

Sent from my iPhone

On Aug 9, 2019, at 10:56 AM, Devine, Curt <Curt.Devine@cnn.com> wrote:

> Hi Michael and Angela,
>
> CNN will report that a meeting took place on June 27, led by Matthew Leopold, in which he said the proposed determination on Pebble Mine would be withdrawn. We have evidence that the meeting was called on behalf of Leopold and that he ran the meeting. Yesterday you told us that Leopold did not attend any meeting involving Pebble Mine on June 27, and therefore any announcement at any such meeting would lack authority. [You said, "I don't know if there was another meeting, but the key decisionmaker was not at any meeting."]
>
> Do you want to correct the record before this story airs?
>
> We would appreciate any follow-up response by 2pm.
>
> Thanks again,
>
> Curt Devine
> CNN, Washington
> curt.devine@cnn.com
> 202-515-2862
> 678-576-6976 (cell)

AMERICAN OVERSIGHT

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 8/8/2019 4:22:26 PM
To: Grant Robinson [grobinson@ktuu.com]; Press [Press@epa.gov]
Subject: RE: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

Hey Grant, 90 days from July 26th. Also see the below statement.

"The Corps has agreed to grant the Agency a time extension of 90 days. EPA is still operating within the elevation process, while recognizing that this process is unique and that 25 days was an insufficient amount of time to work through the over 150 pages of comments EPA provided on July 1st. EPA will use the remaining time extension to work with the Corps to resolve these comments." **– EPA spokesman**

From: Grant Robinson <grobinson@ktuu.com>
Sent: Wednesday, August 7, 2019 8:25 PM
To: Press <Press@epa.gov>
Subject: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

Hello,

I see that the US Army Corps of Engineers granted the EPA request to extend the period for evaluating if the Pebble mine project *may* or *will* have an substantial and unacceptable impact on aquatic resources of national importance.

https://www.epa.gov/sites/production/files/2019-07/documents/bristol-bay-404q-90day-extension-corps-response-7-26-2019.pdf

I see the 25 day period was extended to 90 days. What is not clear to me is if that was a 90 days added onto the end of the standard 25 day period, or if it is 90 days total.

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- What is the deadline for the EPA to notify the USACE Alaska District Engineer on whether discharges from the PLP project will have substantial impact on the aquatic resources of national importance?
- Is the EPA required to send a letter by that date even if it finds no further impact than already described?
-

Additionally, I would like to request a copy of this letter when it becomes available.

Thanks for your help!

Grant Robinson
Multimedia Journalist
KTUU-TV
O: (907) 762-9260
C: (615) 339-7164
grobinson@ktuu.com

AMERICAN OVERSIGHT

To: Willey, Katharine[willey.katharine@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Leopold, Matt (OGC)[Leopold.Matt@epa.gov]
Cc: Andrea Woods[woods.andrea@epa.gov]; Beach, Christopher[beach.christopher@epa.gov]; McFaul, Jessica[mcfaul.jessica@epa.gov]; Schiermeyer, Corry[schiermeyer.corry@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Thur 8/8/2019 2:30:59 PM (UTC)
Subject: FW: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

What is the answer on the extension?

From: Grant Robinson <grobinson@ktuu.com>
Sent: Wednesday, August 7, 2019 8:25 PM
To: Press <Press@epa.gov>
Subject: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

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-

Additionally, I would like to request a copy of this letter when it becomes available.

Thanks for your help!

Grant Robinson
Multimedia Journalist
KTUU-TV
O: (907) 762-9260
Ex. 6 Personal Privacy (PP)
grobinson@ktuu.com

AMERICAN OVERSIGHT

To: Hackel, Angela[Hackel.Angela@epa.gov]
Cc: Press[Press@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Thur 8/8/2019 12:08:07 PM (UTC)
Subject: Re: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271

I'll handle.

Sent from my iPhone

On Aug 8, 2019, at 7:36 AM, Hackel, Angela <Hackel.Angela@epa.gov> wrote:

> Hello,
> Just checking to see if the 3rd floor is handling or if I should reach out to the offices?
>
> Thanks,
>
> Angela
> Angela Hackel
> Senior Advisor
> Office of Public Affairs
> Office of the Administrator
> U.S. Environmental Protection Agency
> Office: 202.566.2977
> Cell: Ex. 6 Personal Privacy (PP)
>
> Begin forwarded message:
>
> **Resent-From:** <Press@epa.gov>
> **From:** Grant Robinson <grobinson@ktuu.com>
> **Date:** August 7, 2019 at 8:24:33 PM EDT
> **To:** Press <Press@epa.gov>
> **Subject: KTUU request: Pebble Project 404(q) extension deadline POA-2017-00271**
>
> Hello,
>
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>
> I have a few questions I'm hoping you can help me with:
>
> - What is the deadline for the EPA to notify the USACE Alaska District Engineer on whether discharges from the PLP project will have substantial impact on the aquatic resources of national importance?
> - Is the EPA required to send a letter by that date even if it finds no further impact than already described?
> -

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Additionally, I would like to request a copy of this letter when it becomes available.

Thanks for your help!

Grant Robinson
Multimedia Journalist
KTUU-TV
O: (907) 762-9260
C: (615) 339-7164
grobinson@ktuu.com

AMERICAN OVERSIGHT

Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 8/5/2019 4:47:16 PM
To: Devine, Curt [Curt.Devine@cnn.com]; Hackel, Angela [Hackel.Angela@epa.gov]
CC: Press [Press@epa.gov]
Subject: UPDATED: CNN questions for Pebble Mine report Monday

Hey Curt apologies for the multiple emails, I sent you an outdated draft statement. This below is our correct statement. Please use this in any reporting and you can attribute to me.

"EPA withdrew the 2014 Proposed Determination for the use of the Pebble Deposit Area, because the five year old preemptive veto is outdated and does not reflect all currently available information. The previous administration's preemptive veto of this project, without a permit even being submitted, was a departure from regular order and the Trump administration is seeking a return to the correct provess. This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision."

Please see the press release: https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit

From: Devine, Curt <Curt.Devine@cnn.com>
Sent: Friday, August 2, 2019 1:11 PM
To: Abboud, Michael <abboud.michael@epa.gov>; Hackel, Angela <Hackel.Angela@epa.gov>
Cc: Press <Press@epa.gov>
Subject: CNN questions for Pebble Mine report Monday

Hi Michael, Angela and colleagues,

CNN is preparing a report for broadcast and digital publication about EPA's decision to withdraw from the proposed determination related to the proposed Pebble Mine. We would appreciate answers to the following questions by Monday at 1pm. Please feel free to call us to discuss any aspect of this.

- Did the White House direct the EPA to withdraw from this proposed determination on June 26 and/or June 27? If so, when specifically? If not, has the EPA consulted with the White House about this decision? If so, when and in what capacity?

- How does EPA respond to the characterization from EPA insiders as well as former EPA officials who have told us this decision appears driven by politics rather than scientific findings about the mine's environmental impact on this area?

- Upon restoring the special protections for Bristol Bay last year (January 26, 2018), an EPA press release made it clear the Pebble project could still apply for a permit, but included this statement: "their permit application

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must clear a high bar, because EPA believes the risk to Bristol Bay may be unacceptable." Does EPA still believe the permit application must clear a high bar?

- We understand that EPA's decision to withdraw from the proposed determination was based in part on the notion that, "there is new information that has been generated since 2014, including information and preliminary conclusions in the Corps' DEIS, that conflict with EPA's Proposed Determination," yet EPA regional administrator Chris Hladick also wrote in a letter sent on July 1 that the Army Corps' DEIS "likely underestimates impacts and risks" of the mine on the region's water and air quality. If the EPA believes the Army Corp's draft report underestimates impacts and risks, why is the EPA using this information in its justification for withdrawing the proposed determination?

- What might EPA learn about a mine's environmental impacts on this region that were not learned during the three years of peer-reviewed study prior to the 2014 proposed determination?

Thank you very much,

Curt Devine
CNN, Washington
curt.devine@cnn.com
202-515-2862
678-576-6976 (cell)

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To: Block, Molly[block.molly@epa.gov]
From: Abboud, Michael[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: Wed 9/11/2019 6:34:46 PM (UTC)
Subject: FW: Alaska Public Media interview request re Pebble Mine

---

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, July 31, 2019 4:27 PM
To: lruskin@alaskapublic.org
Cc: Press <Press@epa.gov>
Subject: Alaska Public Media interview request re Pebble Mine

Hi Liz,

I received your inquiry from my colleague. Please see our response below.

On background:

This action would remove an administrative barrier to final action on the proposed mine permit, it does not in any way approve Pebble's permit application or determine a particular outcome in the permitting process. This action allows EPA to focus on working with the Corps to review the current CWA 404 permit application and engage in the National Environmental Policy Act (NEPA) process. EPA Region 10 provided the Corps with detailed comments on the 404 permit application as well as its DEIS notice on July 1, 2019, and EPA looks forward to continuing its work with the Corps and the other cooperating agencies on the next steps in the permit review process, including development of the Final NEPA EIS and other information to inform the Corps' permit decision.

Thanks,

Angela

Angela Hackel
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

From: Liz Ruskin <lruskin@alaskapublic.org>
Sent: Wednesday, July 31, 2019 12:13 PM
To: Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>
Subject: Interview request

Hi Suzanne,

There's a lot of confusion in Alaska about what yesterday's announcement means - in particular, whether it means Region 10 is being forced to backtrack on its critique of the DEIS. People on both sides are reading between the lines of yesterday's notice to withdraw and drawing very specific conclusions that may or may not be warranted.

It would really help clarify things if we could hear from Chris Hladick. Would it be possible to do a phone interview with him? I proposed a recorded interview (NOT live). Might take 10-15 minutes.

Thanks for considering my request.

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Liz Ruskin
Washington, D.C.
Correspondent
Alaska Public Media

Cell: 202-322-7286

Office: 202-488-1961

lruskin@alaskapublic.org

www.AlaskaPublic.org/news

Follow me on Twitter: @lruskin

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Message

From: Abboud, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6F5AF791A1842F1ADCC088CBF9ED3CE-ABBOUD, MIC]
Sent: 9/11/2019 6:33:26 PM
To: Block, Molly [block.molly@epa.gov]
Subject: FW: Pebble inquiry

From: dbrown@eenews.net <dbrown@eenews.net>
Sent: Friday, August 16, 2019 11:29 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Cc: Press <Press@epa.gov>; awittenberg@eenews.net
Subject: RE: Pebble inquiry

Thanks Michael.

From: Abboud, Michael [mailto:abboud.michael@epa.gov]
Sent: Friday, August 16, 2019 11:22 AM
To: Dylan Brown <dbrown@eenews.net>
Cc: Press <Press@epa.gov>; Ariel Wittenberg <awittenberg@eenews.net>
Subject: Re: Pebble inquiry

See below.

"EPA Region 10 expressed the Agency's views and recommendations to the Corps in 175 pages of detailed, publicly available comments—some of the longest NEPA and Clean Water Act section 404 comments in EPA's history."

Sent from my iPhone

On Aug 15, 2019, at 11:45 AM, "dbrown@eenews.net" <dbrown@eenews.net> wrote:

> Hello,
>
> Ariel and I are working on a story based on a draft version of EPA's comment letter regarding the proposed Pebble mine. It shows that career staff recommended the Army Corps conduct a revised or supplemental EIS. Sources tell us the decision not to include the language was made by political appointees. There are other key difference between this draft and final version of the comment letter.
>
> They include:
>
> - EPA deleted nine instances in the draft where the agency said it was "concerned" or had "concerns" about the science. The final version had only "comments and recommendations" for the Army Corps.
> - A section of the draft letter was titled "Key Information Missing in the DEIS," the final comments labeled it "Project Description and Mitigation Details."
> - Critical plans the draft described as "missing" from the analysis were later described as "yet to be developed" in the final version.
> - The draft letter said conclusions that Pebble would not violate water and air quality standards "are not reasonably supported." The final letter said such claims "should be further supported."

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- What the draft comments described as “numerous data, analytic, and information deficiencies,” the final draft called “weaknesses.”

We would like to know if you have any comment on the changes or the reasons for them.

Our deadline is tomorrow (8/16) at 12 p.m. EST.

Many thanks,

Dylan Brown
E&E News mining reporter
dbrown@eenews.net
202-737-4849 (office)
@DylanBrown26

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | @EENewsUpdates
Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM

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To: Brazauskas, Joseph[brazauskas.joseph@epa.gov]
From: Voyles, Travis[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4C2B6C0D5FF046E7809F8CAB2913BC48-VOYLES, TRA]
Sent: Tue 1/29/2019 7:39:05 PM (UTC)
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine
DeFazio-Carper_2018-07-19 PAD-EPW LTR to EPA on 404c and Pebble Mine FINAL.PDF
AL-18-000-9391. Draft DeFazio Response 8.9.18.docx

Got the update from Aaron on the backstory and status. Call me and we can discuss.

From: Brazauskas, Joseph
Sent: Tuesday, January 29, 2019 2:32 PM
To: Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Thanks, can you track down the original letter please?

Joseph A. Brazauskas
Associate Deputy General Counsel
U.S. Environmental Protection Agency
(202) 564-5189

From: Voyles, Travis
Sent: Tuesday, January 29, 2019 2:23 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Subject: FW: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

FYI – I'm going to see what the status of this is and let you know.

From: Ringel, Aaron
Sent: Tuesday, January 29, 2019 2:20 PM
To: Borum, Denis <Borum.Denis@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Thanks Dennis, also looping in Travis with the oversight team.

-Aaron

From: Borum, Denis
Sent: Monday, January 28, 2019 1:41 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Hi, Aaron –

The DeFazio/Carper letter has been assigned as an oversight control, Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP) OECA has been working on a draft narrative response, and that draft is ostensibly with the OECA front office.

Denis

Denis R. Borum
Congressional Liaison Specialist
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC-1301A)

AMERICAN OVERSIGHT

Washington, D.C. 20460
(202) 564-4836 (phone)
(202) 501-1549 (fax)
borum.denis@epa.gov (e-mail)

From: Ringel, Aaron
Sent: Friday, January 04, 2019 10:55 AM
To: Palich, Christian <palich.christian@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>
Cc: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Denis, when you return from the government shutdown can you find out when this letter was sent (and shoot me a copy along with the email transmitting it to their staff) or, conversely, figure out what the hold up is?
Thanks,

-Aaron

From: Palich, Christian
Sent: Thursday, November 8, 2018 3:19 PM
To: Borum, Denis <Borum.Denis@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Agree with Aarons changes. Thanks Denis.

Christian R. Palich
Deputy Associate Administrator
Office of Congressional & Intergovernmental Affairs
U.S Environmental Protection Agency
O: 202.564.4944
C: Ex. 6 Personal Privacy (PP)
E: Palich.Christian@epa.gov

From: Borum, Denis
Sent: Thursday, November 8, 2018 2:47 PM
To: Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Thanks, Aaron. Christian – Any additional thoughts? If not, I'll make these edits and advance in CMS.

Denis

Denis R. Borum
Congressional Liaison Specialist
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC-1301A)
Washington, D.C. 20460
(202) 564-4836 (phone)
(202) 501-1549 (fax)
borum.denis@epa.gov (e-mail)

AMERICAN OVERSIGHT

From: Ringel, Aaron
Sent: Thursday, November 08, 2018 2:22 PM
To: Borum, Denis <Borum.Denis@epa.gov>; Palich, Christian <palich.christian@epa.gov>
Subject: RE: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Denis, I made some edits in the track changes version attached. No need to restate all the questions they ask in the letter, especially if some of them aren't directly addressed. Let me know if you have any questions.
Thanks,

-Aaron

From: Borum, Denis
Sent: Thursday, November 8, 2018 1:40 PM
To: Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>
Subject: Draft Response to DeFazio-Carper on 404(c) & Pebble Mine

Hi, Christian and Aaron –

A mere four months later… Please review attached draft response. Thank you

Denis

Denis R. Borum
Congressional Liaison Specialist
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (MC-1301A)
Washington, D.C. 20460
(202) 564-4836 (phone)
(202) 501-1549 (fax)
borum.denis@epa.gov (e-mail)

AMERICAN OVERSIGHT

Congress of the United States

Washington, DC 20515

July 19, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Acting Administrator Wheeler:

Congratulations on your appointment as Acting Administrator of the U.S. Environmental Protection Agency (EPA). We look forward to working with you to return EPA to its missions of protecting human health and the environment.

Since its beginning, this administration has too often consistently ignored the rule of law, and has sided, behind closed doors, with polluters rather than protecting the health and safety of American families and our environment. In your new role, we urge you to stand up against the continued assault on Clean Water Act (Act) protections.

In that light, we ask that you immediately and publicly revoke the June 2018 memorandum[1] issued by your predecessor, Scott Pruitt, and take no further action to weaken EPA's oversight and enforcement of the Act in protecting our local rivers, lakes, and streams. In addition, we urge EPA, under your direction, to remain steadfast in its exercise of section 404(c) authority when needed, including continued use of its scientifically based 2014 study on the potential impacts of the Pebble Mine project in Alaska.[2]

As you will recall, Congress enacted section 404(c) of the Act to provide EPA with the final say on whether any proposed activities in covered waters, including activities subject to a permit issued by the U.S. Army Corps of Engineers (Corps), would adversely affect local water quality. EPA has historically exhibited great restraint in its use of section 404(c) – issuing only 13 final determinations[3] in the past 45 years – and Federal courts, including the U.S. Supreme Court, have upheld EPA's use of section 404(c) authority each time that it has been challenged in court.[4]

---

[1] See Memorandum of E. Scott Pruitt, Administrator to EPA General Counsel, et al., "Updating the EPA's Regulations Implementing Clean Water Act Section 404(c)," dated June 28, 2018 (hereinafter June 2018 memorandum), https://www.epa.gov/sites/production/files/2018-06/documents/memo_cwa_section_404c_regs_06-26-2018_0.pdf.

[2] See 2014 Proposed Determination Pursuant to Section 404c of the Clean Water Act for Pebble Deposit Area, Southwest Alaska, https://www.epa.gov/bristolbay/2014-proposed-determination-pursuant-section-404c-clean-water-act-pebble-deposit-area.

[3] See EPA, "Clean Water Act Section 404(c) 'Veto Authority'", https://www.epa.gov/sites/production/files/2016-03/documents/404c.pdf.

[4] See e.g., Mingo Logan Coal Co. v. EPA, 714 F. 3rd 608 (D.C. Cir. 2013), cert. denied, 134 S. Ct. 1540 (U.S. Mar. 24, 2014).

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Yet, despite these facts, your predecessor proposed, in his June 2018 memorandum, that EPA relinquish its own section 404(c) authority – in opposition to the will of Congress and the courts. We urge you to reject this effort for several reasons.

First, the language of section 404(c) provides EPA with clear authority to veto the a potential dredged material disposal site "***whenever [the Administrator] determines*** … that the discharge of such materials into such area ***will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas."***

Regulated parties have challenged EPA's section 404(c) authority over the years; yet, in each instance, Federal courts have upheld EPA's use of its section 404(c) authority as a valid exercise of the agency's Clean Water Act responsibilities. For example, in 2013, the United States Court of Appeals for the District of Columbia Circuit upheld EPA's veto of a previously issued Corps permit for mountaintop mining at the Spruce No. 1 Surface Mine (West Virginia). In this ruling, the Court found that the language of section 404(c) "unambiguously expresses the intent of Congress"[5] in granting "EPA a broad environmental 'backstop' authority" to the Corps' implementation of the section 404 permit program.

Second, as you know, Congress has amended the Act more than 50 times since the EPA promulgated its section 404(c) regulations.[6] Yet, in all that time, Congress has never sent to the President any proposal seeking to modify or alter EPA's veto authority under section 404(c). There is no historical or legal evidence to suggest that EPA's exercise of its section 404(c) authority is divergent from congressional intent; in fact, the exact opposite is true, as Congress has specifically blocked legislative efforts to limit EPA's section 404(c) authority.

Finally, let us be clear in describing the effects your predecessor's June 2018 memorandum would have on the American people. Had Scott Pruitt's proposed changes to EPA's exercise of its section 404(c) authority been in place, EPA could not have stopped the construction of the Yazoo Pumps project in Mississippi – a $400 million project opposed by the Bush administration, and lambasted by groups such as Taxpayers for Common Sense.[7] Had these changes been in place, EPA could not have saved countless streams and rivers from being buried under 110 million cubic yards of mining wastes associated with the Spruce mountaintop-mining proposal in West Virginia. And, under Scott Pruitt's view of section 404(c), EPA could not have undertaken its rigorous scientific review of the Pebble Mine project in Alaska, which has the potential to inalterably damage the nation's most productive salmon habitat.

Again, in your new role as Acting Administrator, we urge you to immediately and publicly revoke the June 2018 memorandum of your predecessor. In addition, and in furtherance of our Congressional oversight of the Clean Water Act programs, we ask that you respond to the following questions and requests for information:

---

[5] See id at 612.
[6] See 40 C.F.R. pt. 231; 44 Fed. Reg. 58,076 (Oct. 9, 1979).
[7] See "Lott'sa Pork for Mississippi", Taxpayers for Common Sense, https://www.taxpayer.net/infrastructure/lottsa-pork-for-mississippi/

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(1) Please describe your view on the proper exercise of EPA's section 404(c) authority, and how this view is consistent with the Congressional history and judicious use of this authority by your agency in the past.

(2) Please describe whether you believe, as the U.S. Department of Justice argued in Mingo Logan, that EPA's historic use of its section 404(c) authority balances "Congress' principal aim of environmental protection with the goal of regulatory certainty".

(3) Our understanding is that the Corps is currently undertaking an environmental review for a new mine proposal by the Pebble Limited Partnership. We also understand that the scope of mining activities contained in new proposal far exceeds the limits that EPA has already determined would cause significant and unacceptable adverse effects to Bristol Bay, Alaska, as described in EPA's 2014 Proposed Determination for the Pebble Deposit Area, Southwest Alaska.

a. Please describe whether EPA continues to support the science and findings of adverse ecological impacts described in the 2014 Proposed Determination for the Pebble Deposit Area, Southwest Alaska;
b. Please describe what specific actions EPA is taking to inform the Corps of the proposed impacts of mining activities by the Pebble Limited Partnership in its most recent permit request under section 404 of the Act; and
c. Please describe the specific actions EPA will take to ensure its review of (and any potential action on) the proposed mining activity by the Pebble Limited Partnership will be consistent with the findings of the 2014 Proposed Determination for the Pebble Deposit Area.

We thank you for your prompt attention to this matter, and request a reply to this letter as soon as possible, but no later than August 15, 2018. If you have any questions, please contact us or have your staff contact Ryan Seiger of the House Committee on Transportation and Infrastructure at (202) 225-0060 or Christophe Tulou of the Senate Committee on Environment and Public Works at (202) 224-8832.

With best personal regards, we are

Sincerely yours,

PETER DeFAZIO
Ranking Member
Committee on Transportation
and Infrastructure
U.S. House of Representatives

TOM CARPER
Ranking Member
Committee on Environment and
Public Works
U.S. Senate

AMERICAN OVERSIGHT

Message

From: Peter Robertson [peterrobertson@pebblepartnership.com]
Sent: 1/15/2019 6:31:25 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]
Subject: checking in

Joe,

Happy New Year! Hope all is well. Just thought I would check in with you to see how things are going.

Would love to have a call with you, or if your schedule would permit it, even a lunch.

Let me know what might be feasible.

Best,

Peter

Peter D. Robertson
The Pebble Partnership
1330 Connecticut Avenue, NW
Washington, DC 20036

202-629-3392

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To: DeBell, Kevin[debell.kevin@epa.gov]
From: Eng, Connie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2DD0D03575574C8EB3BF41DF992FF8A2-ENG, CONNIE]
Sent: Wed 1/30/2019 8:04:41 PM (UTC)
Subject: RE: Bristol Bay Leadership Update meeting

I just checked with Henry. So he wants to be in this meeting.

I will solidify the logistics with Erik once we have Henry's travel schedule for R10 etc.

See you tomorrow!

Have a great day!

Connie

****

Connie Eng
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building North, Room 3412 (MC1101A)
Washington, DC 20460
Phone: 202-564-3279
Email: eng.connie@epa.gov
AO Sharepoint

From: DeBell, Kevin
Sent: Wednesday, January 30, 2019 2:31 PM
To: Eng, Connie <Eng.Connie@epa.gov>
Subject: Re: Bristol Bay Leadership Update meeting

Hi Connie:

Henry may not want to be in this meeting at all. Please check with him. If he does want to do it, it would be great to do so when he is in R10. Make sense?

Thanks,
Kevin

Kevin M. DeBell, Ph.D.
Senior Advisor to the Associate Deputy Administrator and Chief of Operations
U.S. Environmental Protection Agency
Office of the Administrator
1200 Pennsylvania Avenue NW
William Jefferson Clinton Building North, Room 3412A (MC1101A)
Washington, DC 20460
202 566 1931

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debell.kevin@epa.gov
On Jan 30, 2019, at 2:28 PM, Eng, Connie <Eng.Connie@epa.gov> wrote:

Hi Kevin,

For this Bristol Bay Leadership Update meeting, they would like to have this meeting when Henry is scheduled to be in Seattle during Feb 21-22 timeframe (refer attached meeting request form).

Im not sure if that's the timeframe when Henry is scheduled to travel to SEA but thought I checked in with you first whether we want Henry to have this meeting before his trip or when he is there.

Thanks!

Have a great day!

Connie

****

Connie Eng
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building North, Room 3412 (MC1101A)
Washington, DC 20460
Phone: 202-564-3279
Email: eng.connie@epa.gov
AO Sharepoint

From: Peterson, Erik
Sent: Tuesday, January 29, 2019 5:08 PM
To: Eng, Connie <Eng.Connie@epa.gov>
Subject: RE: Bristol Bay Leadership Update meeting

Connie,

I've attached a new meeting request form for this meeting.

I heard he might be headed to Seattle and am wondering whether it would be good to try and have the briefing while he is here? Not sure what his preference would be.

Happy to talk about this and thank you!

<image001.jpg>
Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101

AMERICAN OVERSIGHT

(206) 553-6382

From: Eng, Connie
Sent: Monday, January 28, 2019 8:09 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: Bristol Bay Leadership Update meeting

Hi Erik,

Ive blocked Henry's calendar for this Bristol Bay meeting for tomorrow (2-3pm); we spoke regarding this before the shutdown.
However, nothing was set in stone for the meeting to happen.

Please call me back asap when you get this message.

Thanks !

Have a great day!

Connie

****

Connie Eng
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
William Jefferson Clinton Building North, Room 3412 (MC1101A)
Washington, DC 20460
Phone: 202-564-3279
Email: eng.connie@epa.gov
AO Sharepoint

<2018 Administrator's Internal Meeting Request Form.docx>

AMERICAN OVERSIGHT

To: Eng, Connie[Eng.Connie@epa.gov]
From: DeBell, Kevin[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BB9BC4C2D15347F8A419EA9FCCC7559F-KDEBELL]
Sent: Wed 1/30/2019 7:30:57 PM (UTC)
Subject: Re: Bristol Bay Leadership Update meeting

Hi Connie:
Henry may not want to be in this meeting at all. Please check with him. If he does want to do it, it would be great to do so when he is in R10. Make sense?

Thanks,
Kevin

Kevin M. DeBell, Ph.D.
Senior Advisor to the Associate Deputy Administrator and Chief of Operations
U.S. Environmental Protection Agency
Office of the Administrator
1200 Pennsylvania Avenue NW
William Jefferson Clinton Building North, Room 3412A (MC1101A)
Washington, DC 20460
202 566 1931
debell.kevin@epa.gov
On Jan 30, 2019, at 2:28 PM, Eng, Connie <Eng.Connie@epa.gov> wrote:

> Hi Kevin,
>
> For this Bristol Bay Leadership Update meeting, they would like to have this meeting when Henry is scheduled to be in Seattle during Feb 21-22 timeframe (refer attached meeting request form).
>
> Im not sure if that's the timeframe when Henry is scheduled to travel to SEA but thought I checked in with you first whether we want Henry to have this meeting before his trip or when he is there.
>
> Thanks!
>
> Have a great day!
>
> *Connie*
>
> **********
> Connie Eng
> Office of the Administrator
> U.S. Environmental Protection Agency
> 1200 Pennsylvania Avenue, N.W.
> William Jefferson Clinton Building North, Room 3412 (MC1101A)
> Washington, DC 20460
> Phone: 202-564-3279
> Email: eng.connie@epa.gov
> AO Sharepoint

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From: Peterson, Erik
Sent: Tuesday, January 29, 2019 5:08 PM
To: Eng, Connie <Eng.Connie@epa.gov>
Subject: RE: Bristol Bay Leadership Update meeting

Connie,

I've attached a new meeting request form for this meeting.

I heard he might be headed to Seattle and am wondering whether it would be good to try and have the briefing while he is here? Not sure what his preference would be.

Happy to talk about this and thank you!

<image001.jpg>

Erik Peterson, NEPA Reviewer
U.S. EPA, Region 10
1200 Sixth Avenue
Mail Code: OERA-140
Seattle, Washington 98101
(206) 553-6382

From: Eng, Connie
Sent: Monday, January 28, 2019 8:09 AM
To: Peterson, Erik <Peterson.Erik@epa.gov>
Subject: Bristol Bay Leadership Update meeting

Hi Erik,

Ive blocked Henry's calendar for this Bristol Bay meeting for tomorrow (2-3pm); we spoke regarding this before the shutdown.
However, nothing was set in stone for the meeting to happen.

Please call me back asap when you get this message.

Thanks !

Have a great day!

Connie

****

Connie Eng
Office of the Administrator
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Email: eng.connie@epa.gov
AO Sharepoint

<2018 Administrator's Internal Meeting Request Form.docx>

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